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1
              UNITED STATES DISTRICT COURT
            FOR THE NORTHERN DISTRICT OF OHIO
2
                   EASTERN DIVISION
3
                                     MDL No. 2804
    IN RE: NATIONAL
    PRESCRIPTION OPIATE
                                     Case No.
    LITIGATION,
                                     1:17-MD-2804
5
    THIS DOCUMENT RELATES TO
                                ) Hon. Dan A.
    ALL CASES
                                    Polster
6
7
8
9
               Wednesday, January 23, 2019
10
       HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
11
                 CONFIDENTIALITY REVIEW
12
13
14
           Videotaped Deposition of SUSANNE
15
     HILAND, held at 4206 South J.B. Hunt Drive,
16
     Rogers, Arkansas, commencing at 8:25 a.m., on
     the above date, before Debra A. Dibble,
     Certified Court Reporter, Registered
17
     Diplomate Reporter, Certified Realtime
18
     Captioner, Certified Realtime Reporter and
     Notary Public.
19
20
21
22
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17	waimare, inc.
18	THE VIDEOGRAPHER:
19	Chris Ritona
1 2	
20	Golkow Litigation Services
	<del></del>
21	
22	
23	
24	
25	

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25			

1	PROCEEDINGS
2	(January 23, 2019 at 8:25 a.m.)
3	THE VIDEOGRAPHER: We are now
4	on the record. My name is Chris
5	Ritona. I am videographer for Golkow
6	Litigation Services. Today's date is
7	January 23, 2019. The time is
8	approximately 8:25 a.m. This video
9	deposition is being held in Rogers,
10	Arkansas at Mitchell Williams, 4206
11	South JB Hunt Drive, Suite 200, in the
12	matter of National Prescription Opioid
13	Litigation MDL No. 2804, Case
14	No. 17-MD-2804 in the United States
15	District Court Northern District of
16	Ohio, Eastern Division. The deponent
17	today is Susanne Hiland. Will all
18	counsel please identify themselves for
19	the record.
20	MR. INNES: Good morning.
21	Michael Innes of Carella, Byrne for
22	plaintiffs in the MDL.
23	MR. BOWER: Good morning. Zach
24	Bower, Carella, Byrne, for the
25	plaintiffs in the MDL.

1	MR. FAIRLEY: Carter Fairley on
2	behalf of Cardinal Health.
3	MR. VO: Caley Vo, Wright,
4	Lindsey & Jennings on behalf of
5	McKesson.
6	MS. BECHET: Jennifer Bechet,
7	senior associate counsel, Walmart,
8	Incorporated.
9	MR. ELMER: Scott Elmer from
10	Jones Day on behalf of Walmart.
11	MS. TABACCHI: Tina Tabacchi,
12	Jones Day, on behalf of Walmart and
13	the witness.
14	THE VIDEOGRAPHER: And will the
15	participants on the conference call
16	also please identify themselves.
17	MS. RIGBERG: Karen Rigberg
18	from Arnold & Porter on behalf of the
19	Endo and Par defendants.
20	MS. BALASTER: And Mary
21	Balaster with Reed Smith on behalf of
22	AmerisourceBergen Corporation.
23	THE COURT REPORTER: Anyone
24	else on the phone?
25	THE VIDEOGRAPHER: The court

```
reporter today is Debbie Dibble and
 1
 2.
            she will now please swear in the
 3
            witness.
 4
                    SUSANNE HILAND,
 5
     having first been duly sworn, was examined
 6
     and testified as follows:
 7
                   DIRECT EXAMINATION
 8
     BY MR. INNES:
 9
                   Good morning, Ms. Hiland.
            Ο.
10
     name is Michael Innes. We met yesterday,
11
     where you sat as a corporate designee for
12
     Walmart and provided testimony.
13
                   Some of the questions I'm going
14
     to ask you up front might sound redundant as
15
     to the questions you were asked yesterday,
16
     but I want to have a complete record.
17
     I'll preface all of my questions with -- with
18
     that.
19
                   You do understand you're under
20
     oath today; right?
21
            Α.
                   Yes.
22
                   And you might have to speak up
            Ο.
23
     for the folks to hear on the phone. I know
24
     yesterday there were some complaints after
25
     that it was difficult to hear all of us in
```

- the room. So I'll try to keep my voice up as
- well.
- Have you ever testified under
- 4 oath before?
- 5 A. Yes.
- 6 O. And when was that?
- 7 A. Yesterday and in depositions --
- 8 previous depositions related to my employment
- 9 with Walmart.
- Q. Okay. And you understand that
- even though you're in a law office today,
- testimony you give under oath has the same
- force and effect and penalties of perjury as
- though you are testifying in a court of law?
- 15 A. Yes.
- 16 Q. If I ask you a question and you
- provide an answer, I'm going to assume that
- you understood my question. Is that fair?
- 19 A. Yes.
- Q. Is there anything that would
- 21 prevent you from thinking clearly today?
- 22 A. No.
- Q. Is there anything that would
- prevent you from testifying truthfully today?
- 25 A. No.

- Q. What did you do today -- or
- what did you do to prepare for your
- 3 deposition today?
- 4 A. I met with attorneys.
- 5 Q. And how many times did you meet
- 6 with your attorneys?
- 7 A. So specific to prepare for this
- 8 deposition, twice, that I recall.
- 9 Q. So you met with your attorneys.
- 10 And the attorneys -- strike that.
- Those two meetings were
- specific to the testimony you were going to
- give as a fact witness today?
- 14 A. They were for this deposition.
- Q. Okay. And during those
- meetings, did -- were they -- did you discuss
- anything related to your -- strike that.
- Did those meetings in any way
- touch upon the testimony that you gave as a
- corporate designee yesterday?
- A. I think with the preparation
- I've done, it's a little bit difficult for me
- to separate out some of the preparation. But
- specific to my individual deposition, the two
- times that I remember we said okay, well now

- let's talk about the -- your individual
- deposition. There were two where we
- 3 separated that information out.
- 4 Q. And when did those occur?
- 5 A. One was last Thursday
- afternoon, and the other one was Monday of
- 7 this week.
- 8 Q. The meeting on Thursday
- 9 afternoon, how long did that last?
- 10 A. That was about two hours.
- 11 Q. And who was present at that
- meeting?
- 13 A. Walmart counsel and Jones Day.
- Q. And by "Walmart counsel," you
- mean Walmart in-house counsel?
- 16 A. Yes.
- Q. How many -- how many Walmart
- in-house counsel were present?
- 19 A. Two that I recall.
- Q. Okay. And do you recall their
- 21 names?
- 22 A. One was Jennifer, present here.
- 23 And I don't recall the other attorney that
- was there.
- Q. That's okay.

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Sometimes we're faceless in
```

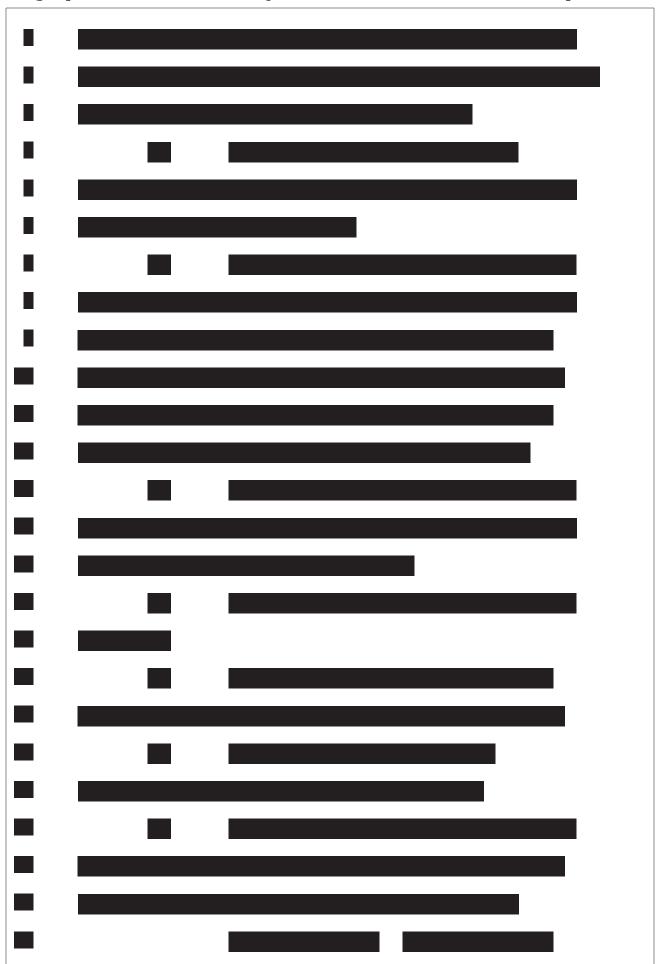
- this profession.
- The meeting on Monday, how long
- 4 did that go for?
- 5 A. That was about an hour.
- Q. Okay. And who was present at
- 7 that meeting?
- A. It was the same as Thursday,
- 9 that I recall.
- Q. And so in those two meetings,
- no one other than Walmart in-house counsel
- and the attorneys from Jones Day were
- 13 present?
- 14 A. Correct.
- 15 Q. In either of those meetings,
- did you review documents?
- 17 A. Not specifically that I recall
- 18 for this. Not that I recall specific to this
- deposition.
- Some of the documents that I --
- that I reviewed for the corporate deposition
- were -- were -- involved me. And so the
- things that I had personal knowledge of, we
- didn't review in that preparation.
- Q. Okay. Understood.

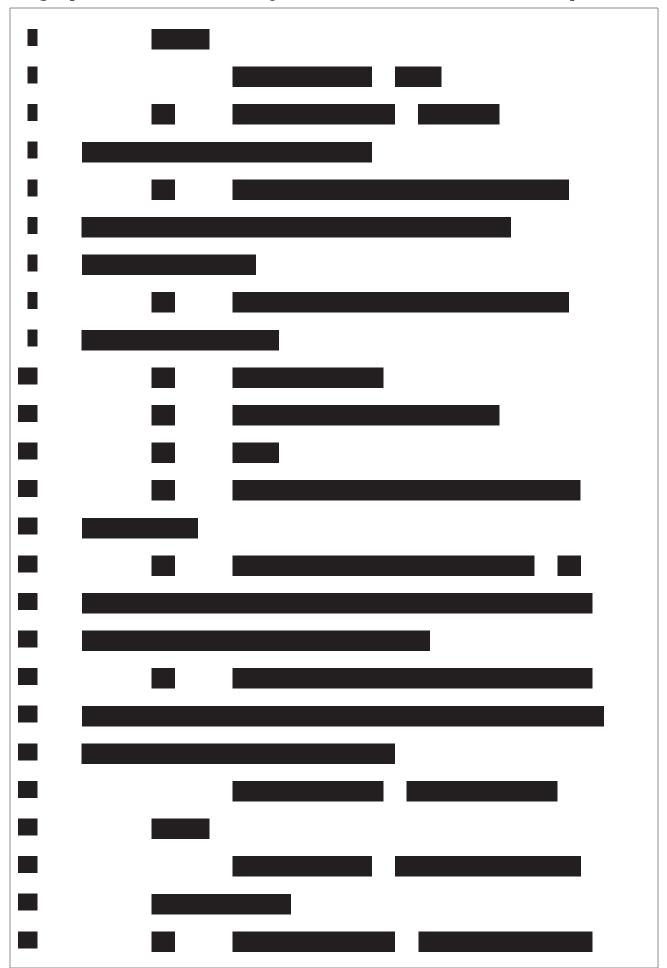
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1
                   But you did review documents in
 2.
     preparation for your testimony in your
 3
     personal capacity?
 4
                   MS. TABACCHI: Object to the
 5
            form.
 6
                   THE WITNESS: No.
                                       In the
 7
            preparation for the corporate
 8
            deposition, there were documents that
            I reviewed that were from my personal
 9
10
            knowledge and my work history.
11
                   What I don't recall is pulling
12
            out additional documents that weren't
13
            part of the overall preparation for my
14
            corporate deposition.
15
                   (BY MR. INNES) I think I'm
            Ο.
16
     getting a better understanding. You reviewed
17
     documents for your 30(b)(6) testimony?
18
            Α.
                   Correct.
19
            Ο.
                   But there's no documents
20
     outside of those documents that you used in
     preparation for your fact preparation; is
21
22
     that right?
23
            Α.
                   Correct.
                   And by "fact preparation," I
24
25
     mean individual.
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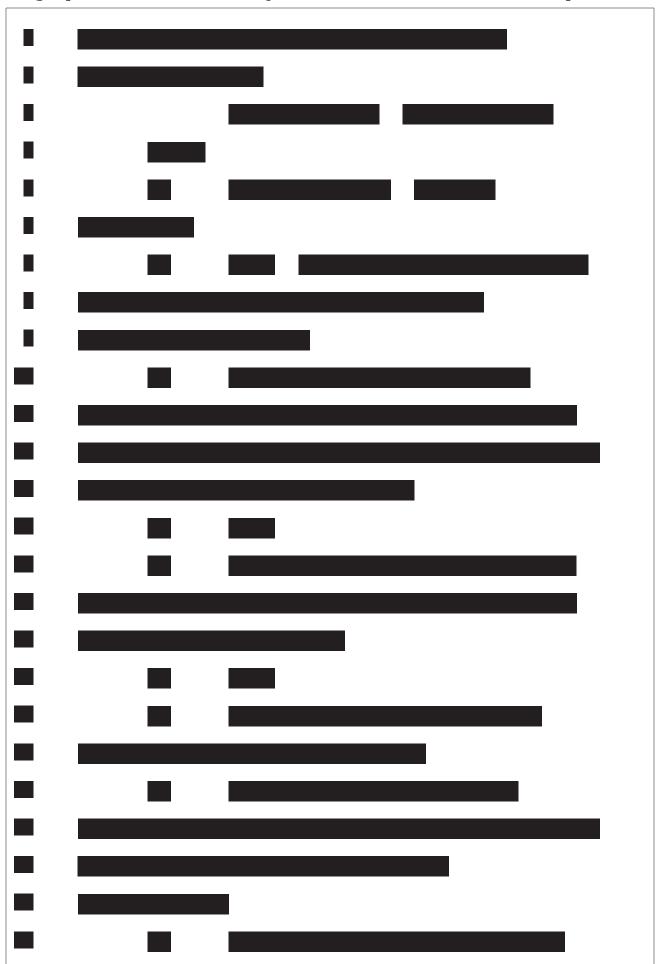
- 1 A. Individually, yes.
- Q. In preparation for today's
- testimony, did you review any deposition
- 4 transcripts in this case?
- 5 A. Not for this individual. I did
- 6 review depositions for the corporate
- deposition that I gave, not in my individual
- 8 capacity.
- 9 Q. Thank you for giving me that
- precise answer. I appreciate that.
- 11 Did you review any court
- documents in preparation for today?
- 13 A. It would be the same answer.
- 14 For my corporate deposition I did. Not in
- the capacity of this individual deposition.
- 16 Q. In preparation for today, did
- you look at any of your own personal files?
- 18 A. No.
- 19 Q. Did you look at any documents
- outside the presence of counsel in
- 21 preparation for today?
- 22 A. No.
- Q. Prior to today, did you speak
- with any representative of any other
- defendant in this litigation?

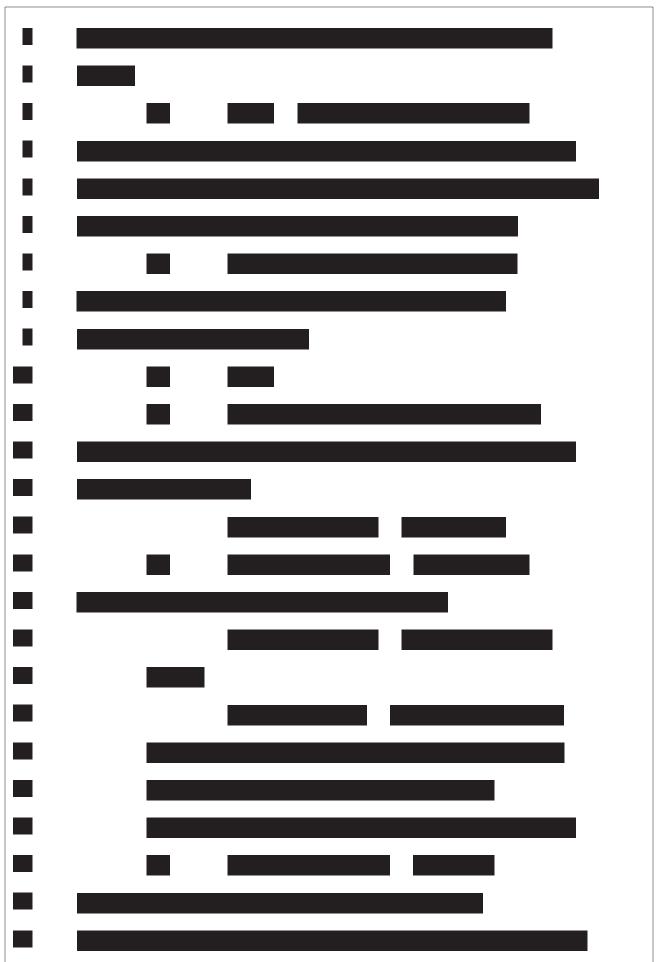
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1
                   MS. TABACCHI: Object to the
2.
                   That's just kind of a broad
            form.
           question, Mike.
3
4
                   MR. INNES: Yeah.
                                       Sorry.
5
                   (BY MR. INNES)
                                    In preparation
            Ο.
6
     for today, did you speak with any
7
     representative of any defendant in this
     litigation?
8
9
            A. No.
10
                   Other than the counsel that
            Ο.
11
     you've identified in those two meetings, did
12
     you speak with anyone else prior to your
13
     deposition today regarding the testimony
14
     you're about to provide?
15
                   Not in my individual capacity.
            Α.
16
     There were -- there were other Walmart
17
     attorneys that were present for some of the
18
     other preparation that I did. But there
19
     was -- there was nothing outside of
20
     preparation with counsel.
21
                   So no conversations in
22
     preparation for today with persons other than
23
     counsel?
24
            Α.
                   For today, correct.
25
            Q.
                   Okay.
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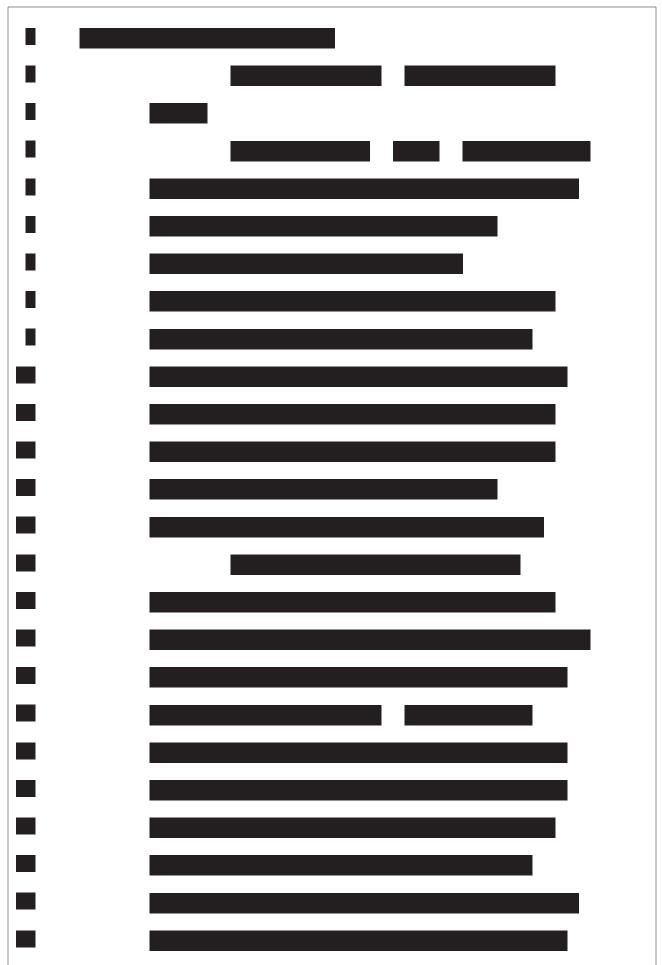
1 For today, correct. Α. 2. So you didn't speak to a Ο. 3 colleague about the testimony you're about to 4 give? 5 Α. No. You didn't speak to a friend? 6 Ο. 7 No. Α. 8 Q. You didn't speak to a former 9 colleague? 10 Α. No. 11 So the reason I'm hesitating is 12 I'm trying to sort out ... I did, for the corporate 13 14 deposition, interview current and former associates, but that was for the corporate, 15 16 not for my individual. And all of those 17 interviews were in the presence of counsel. 18 Are you familiar with the term 0. "Just Culture"? 19 20 Α. Yes.

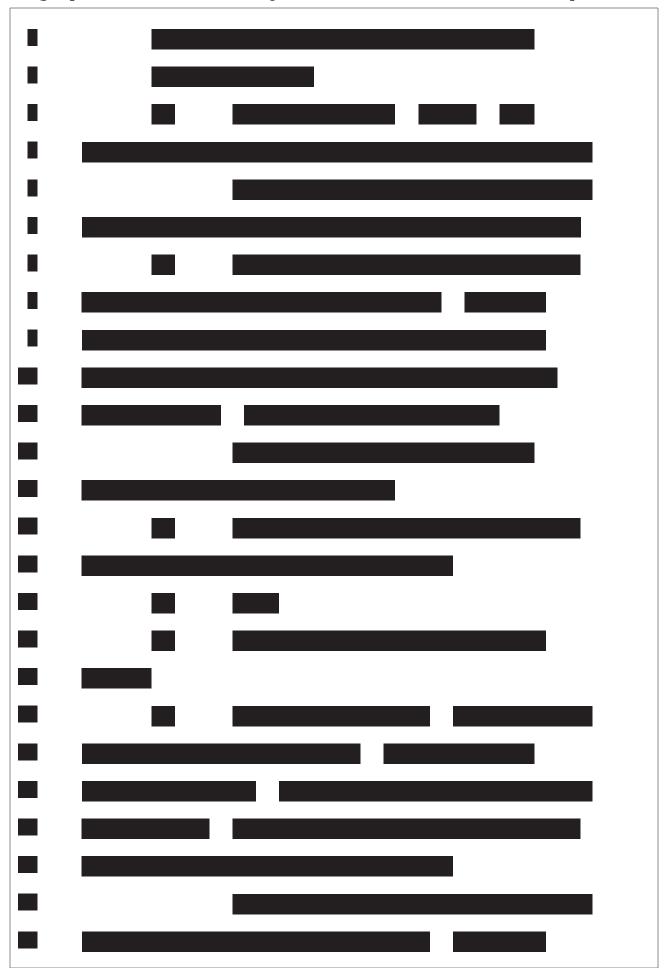


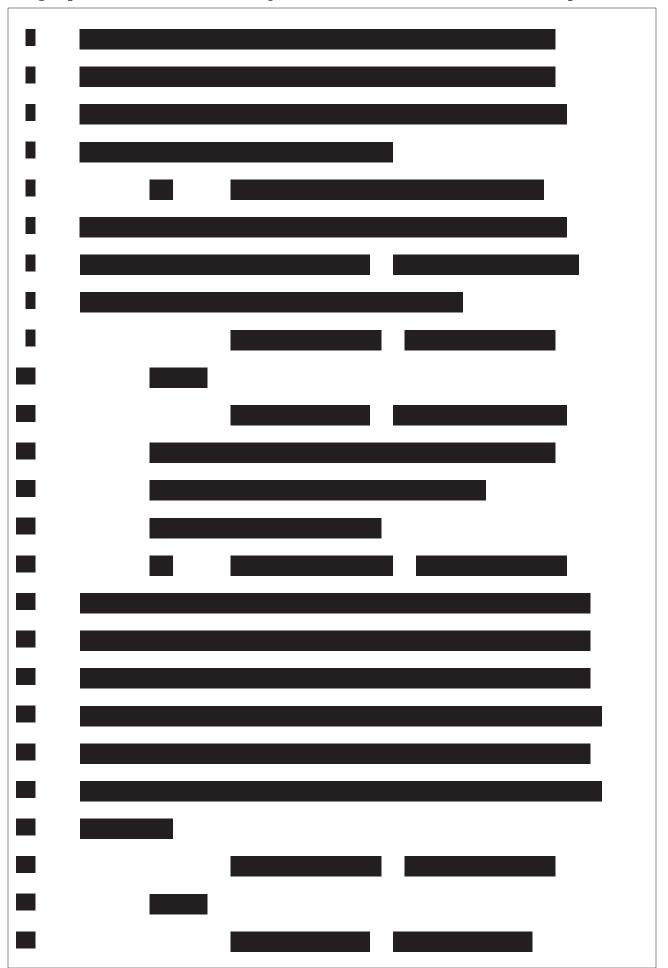


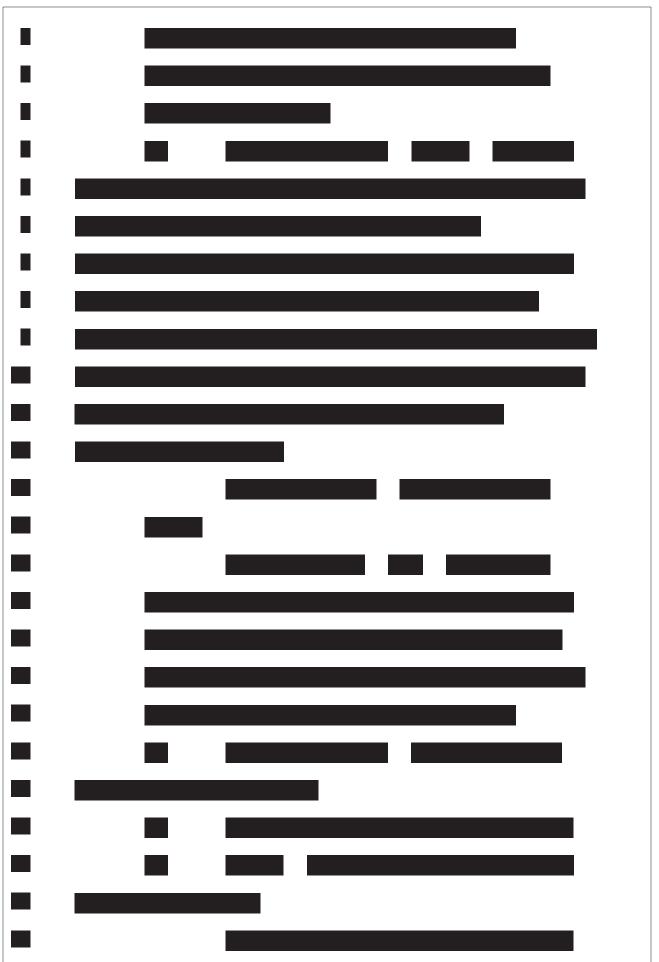


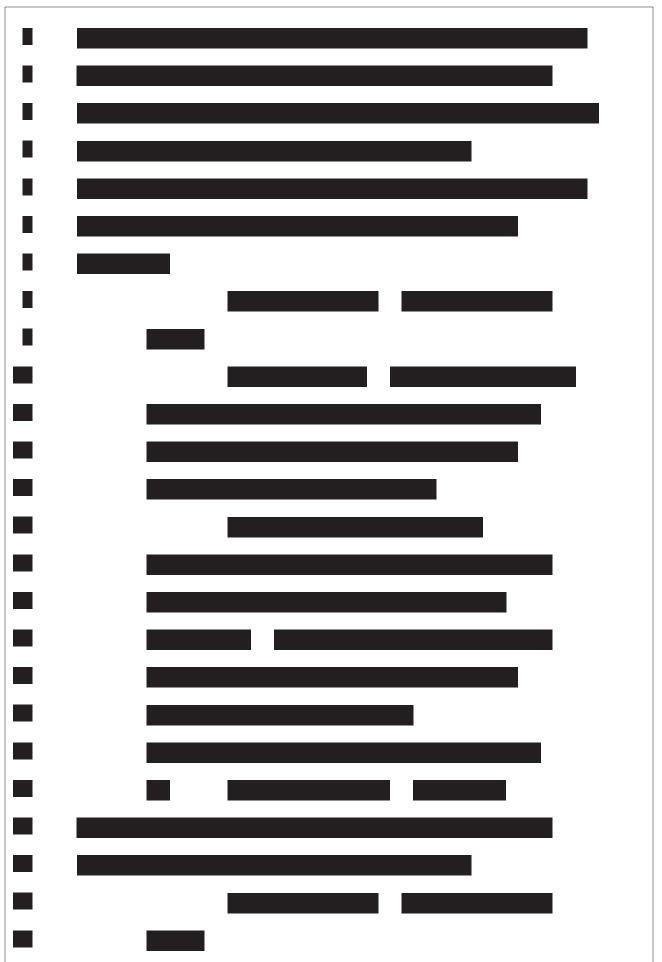


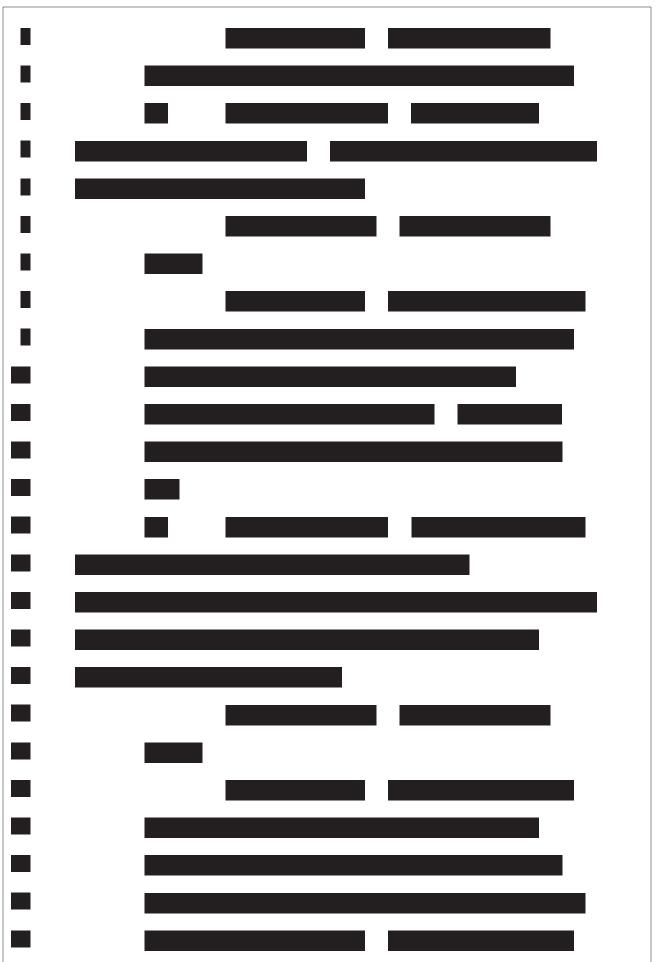


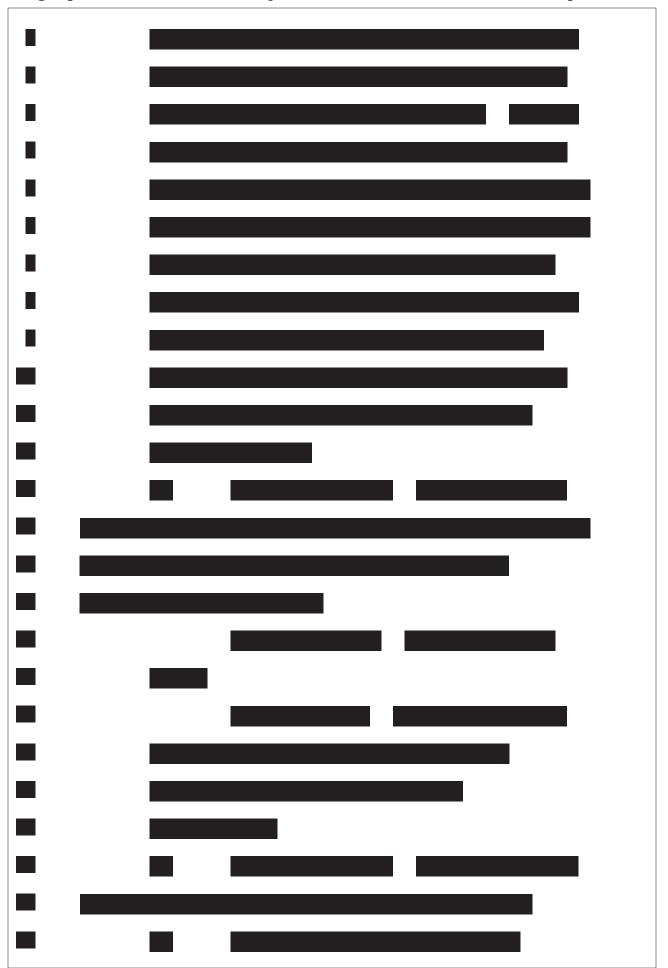


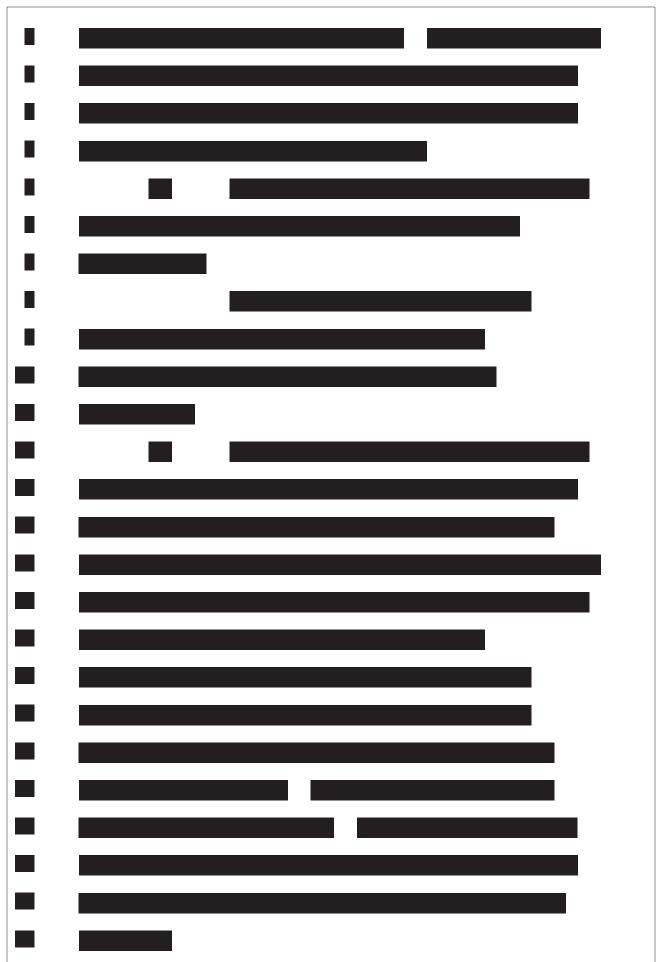


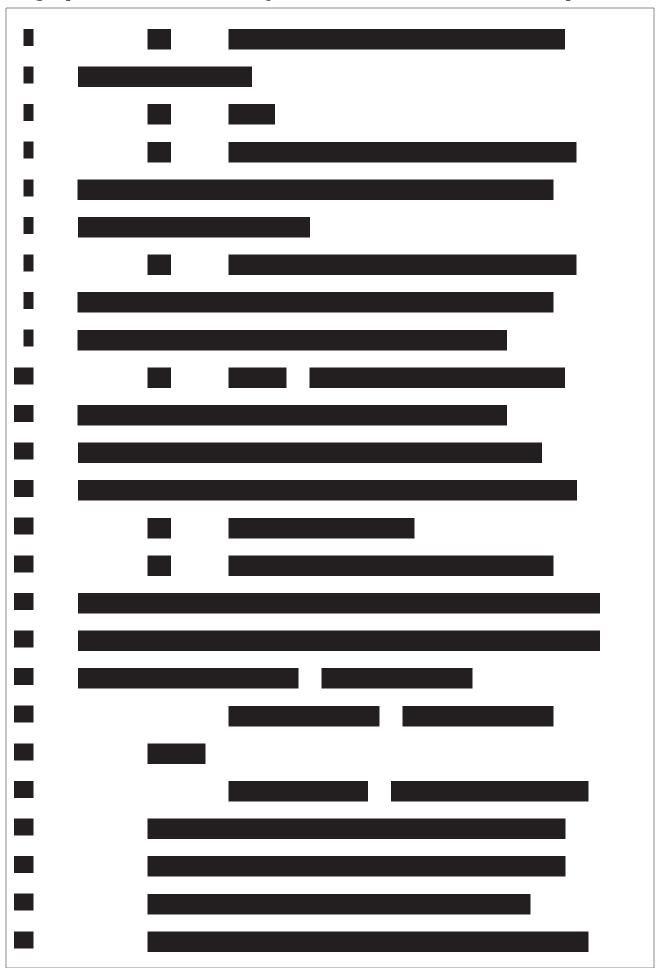


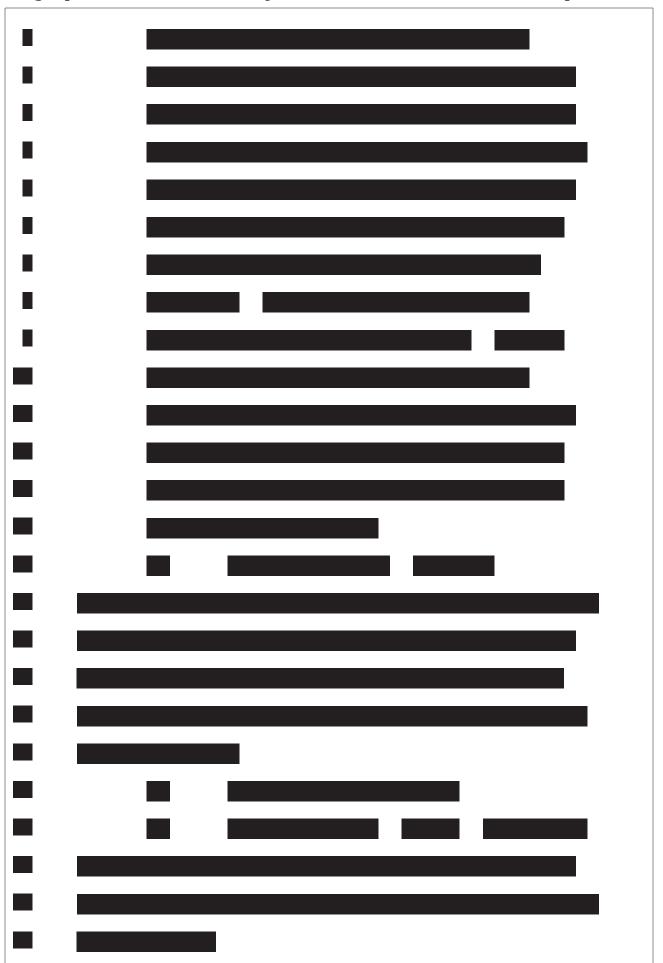


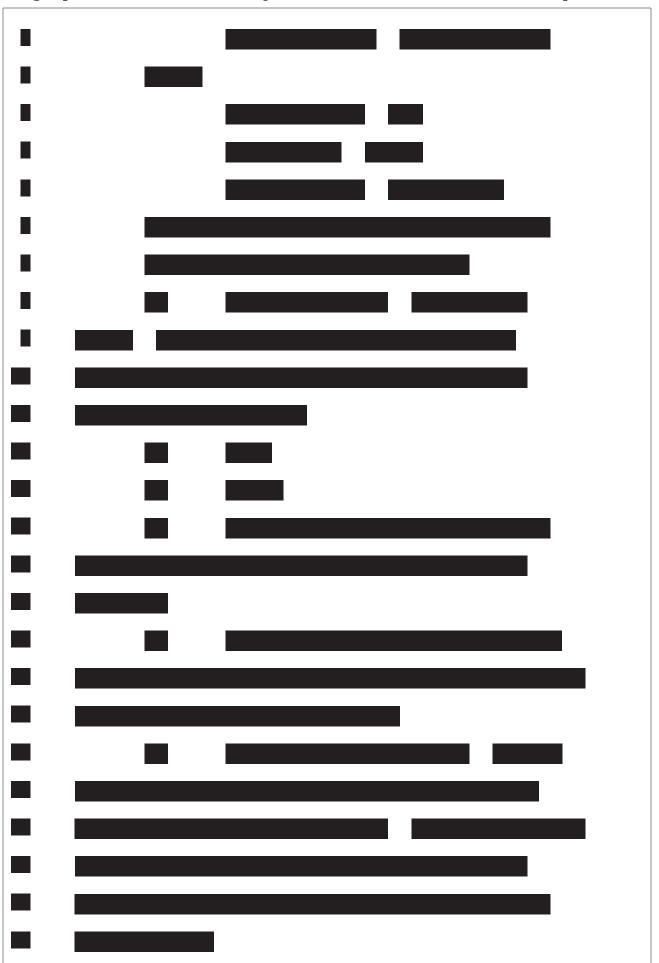


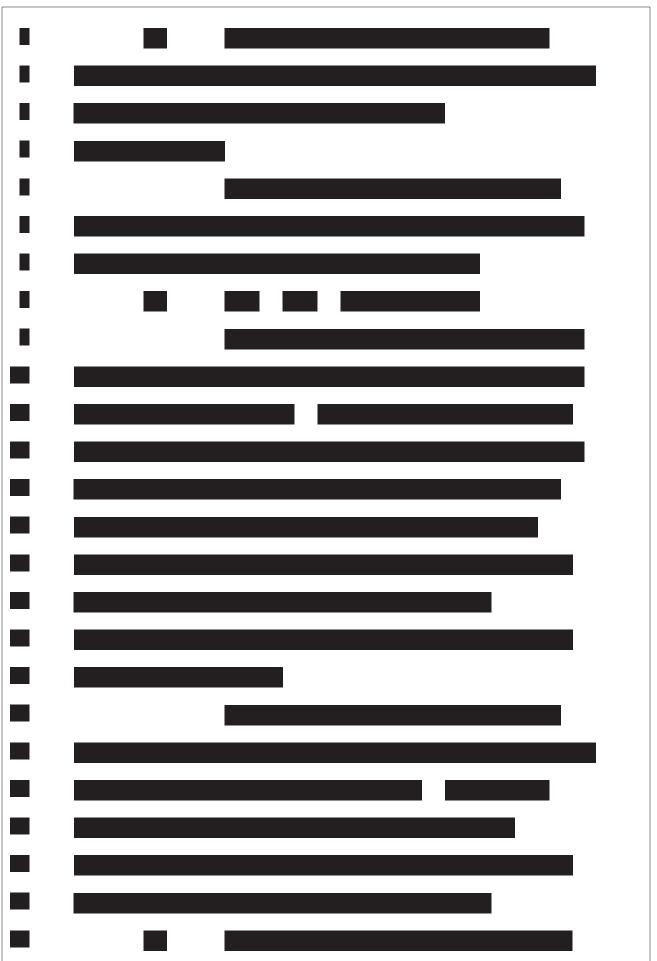


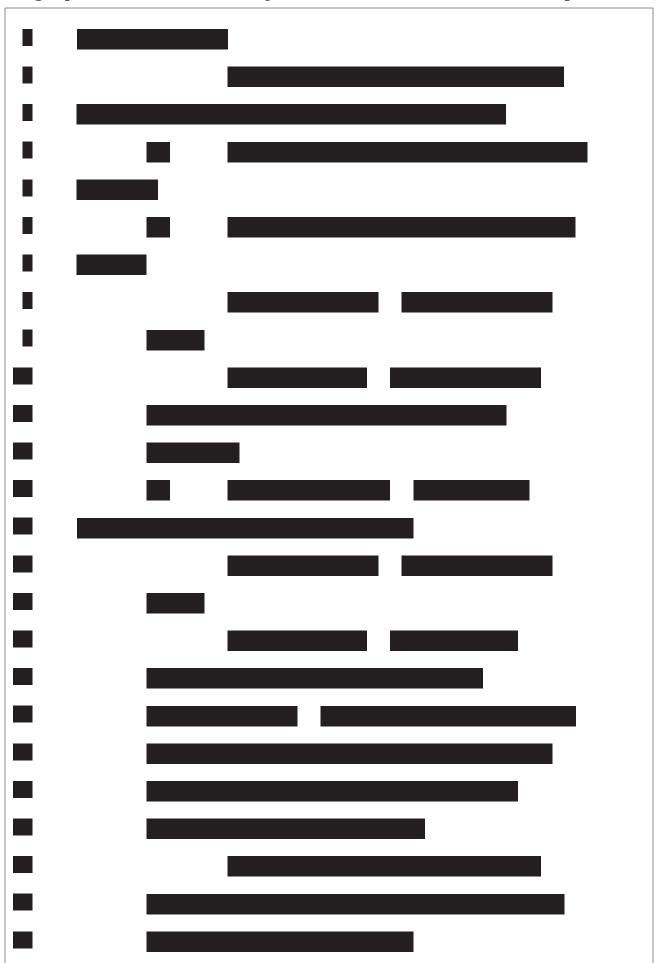


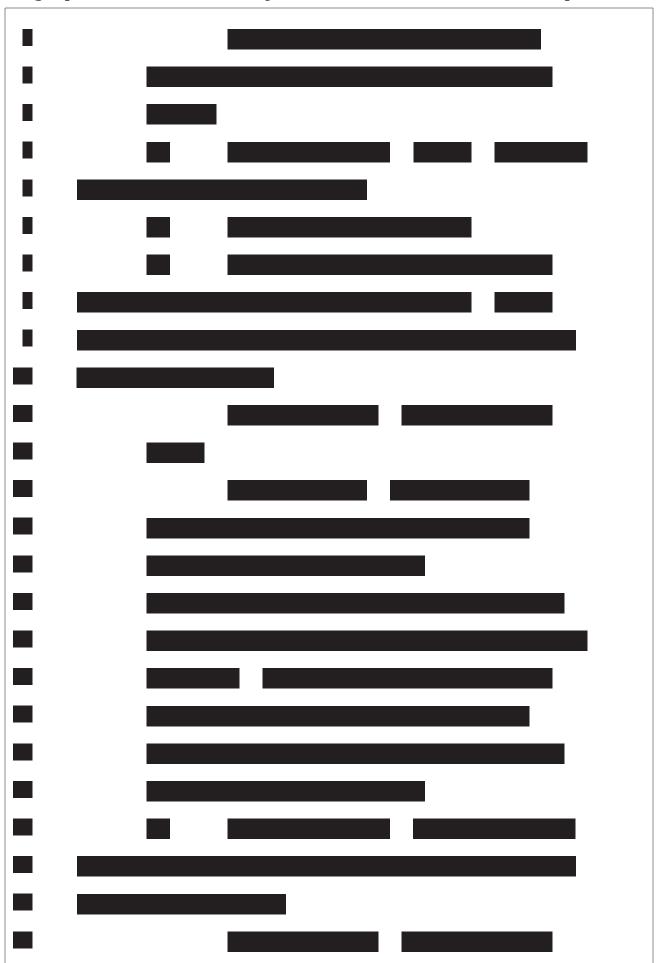


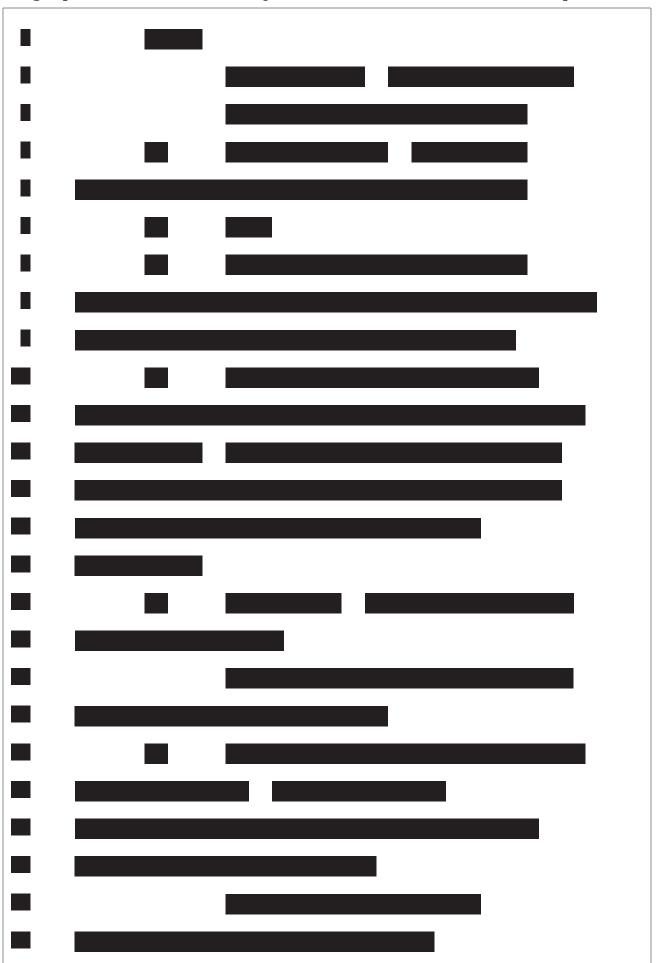


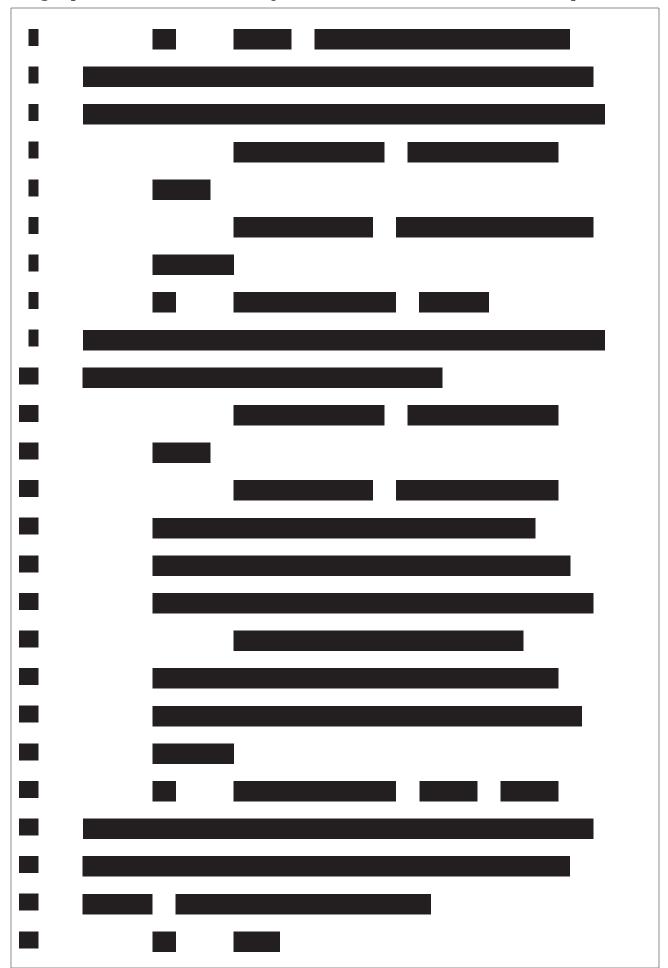


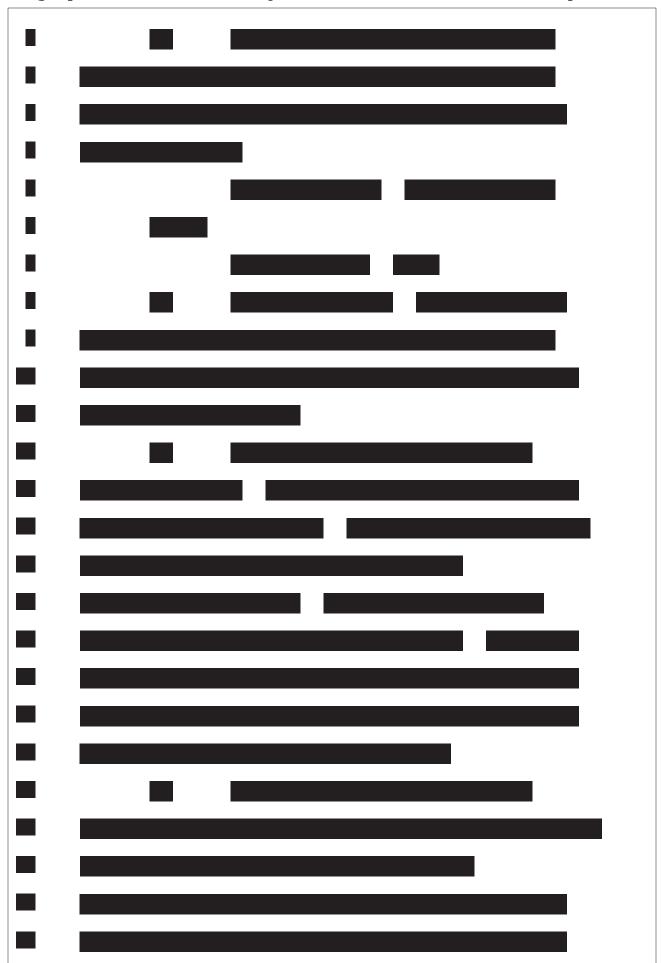


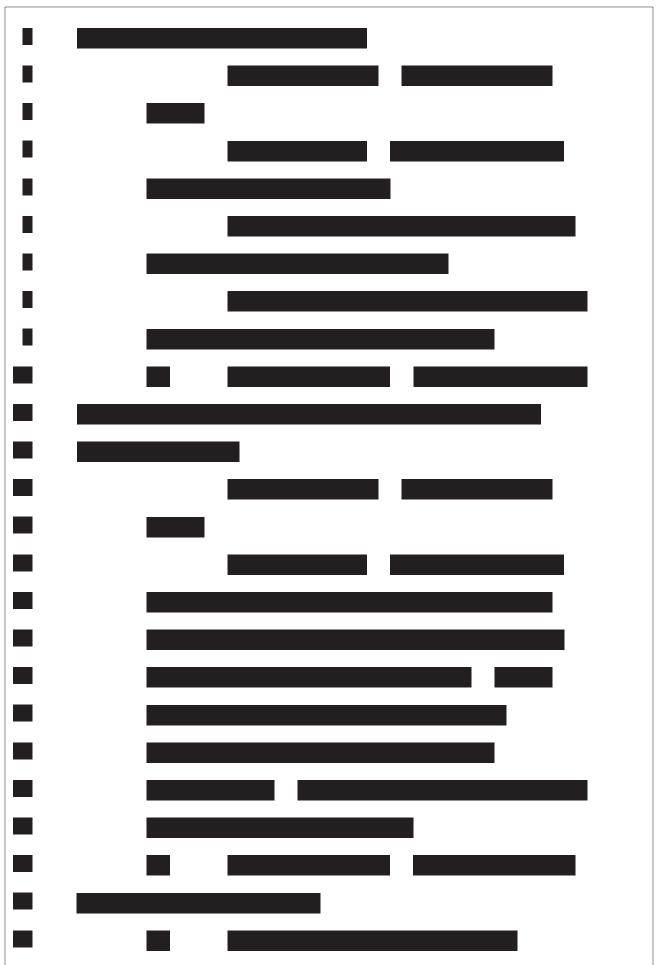


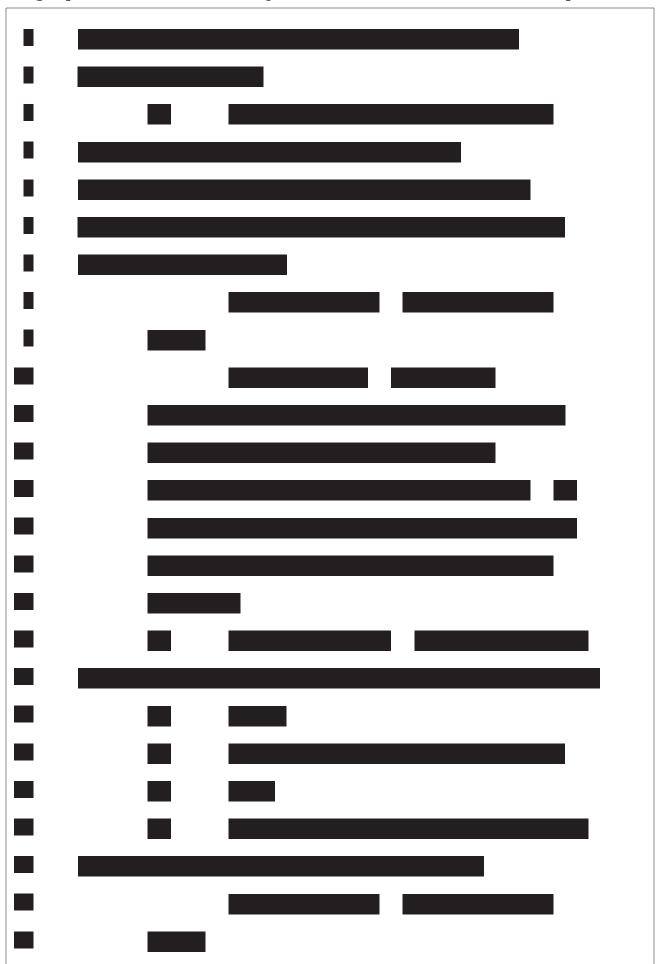


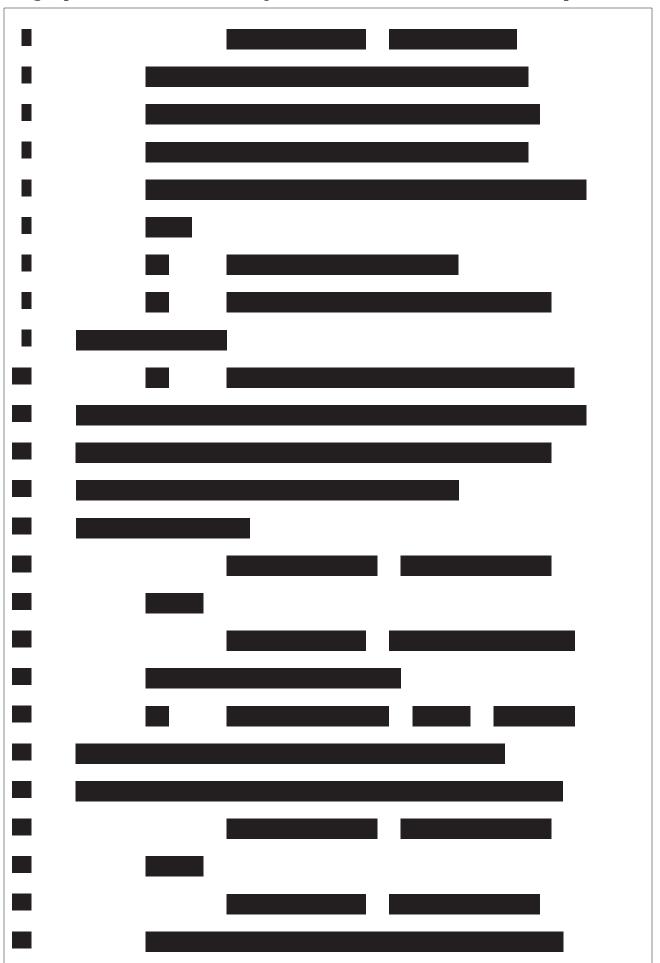


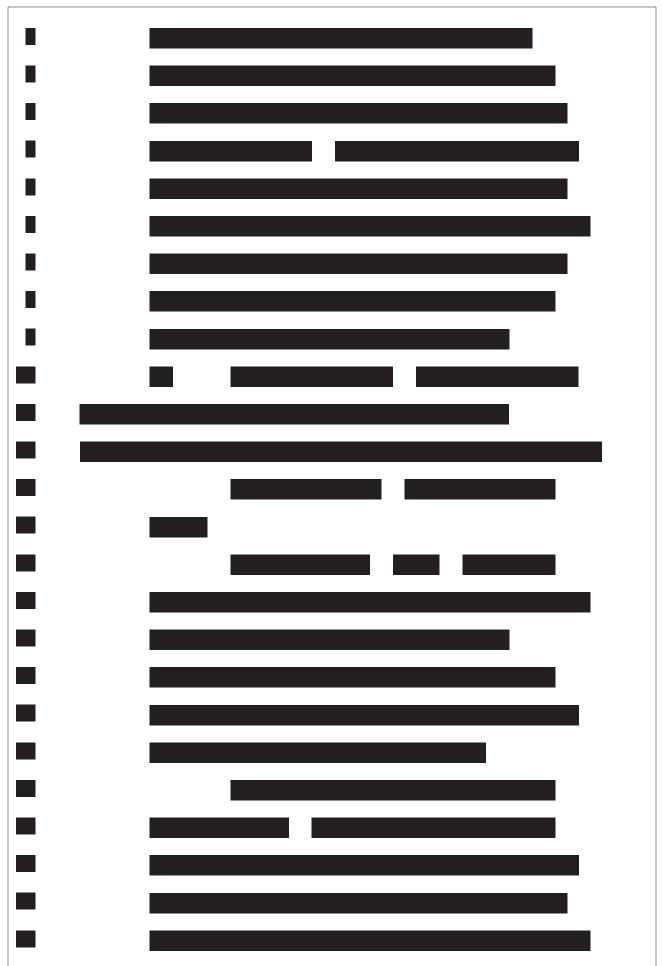


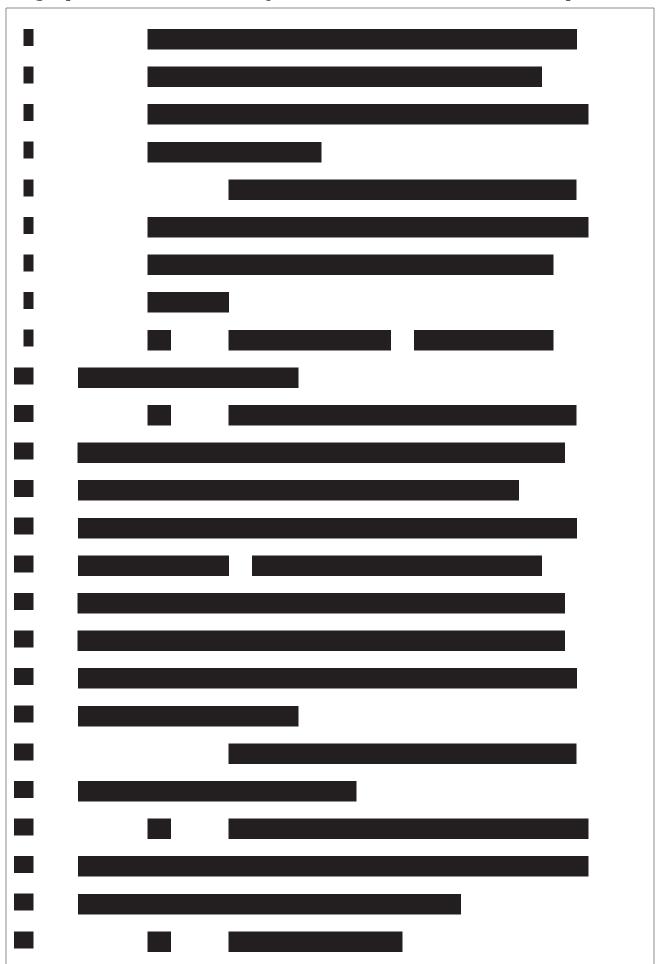


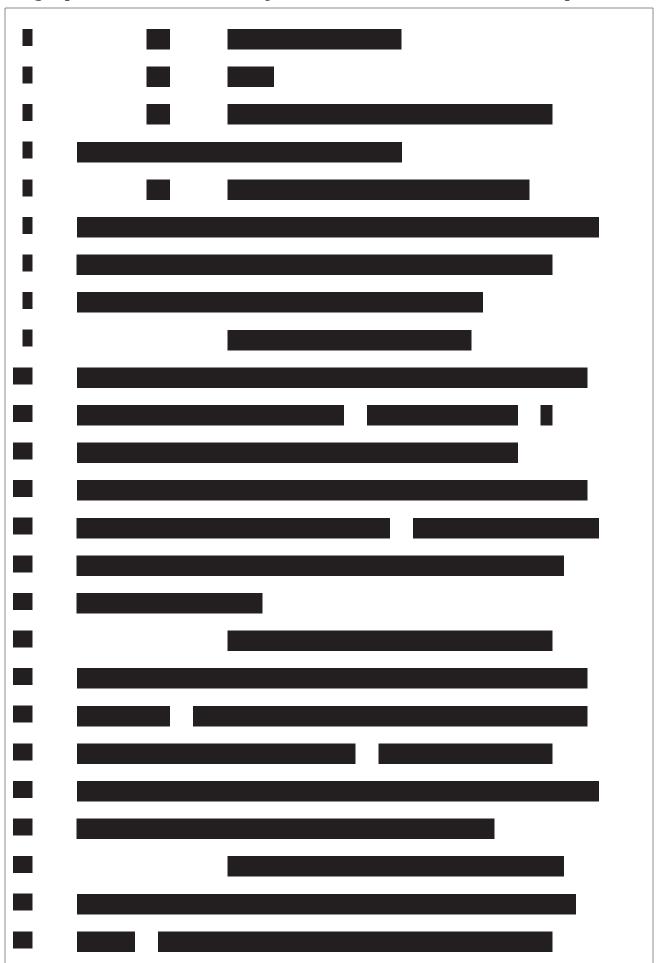


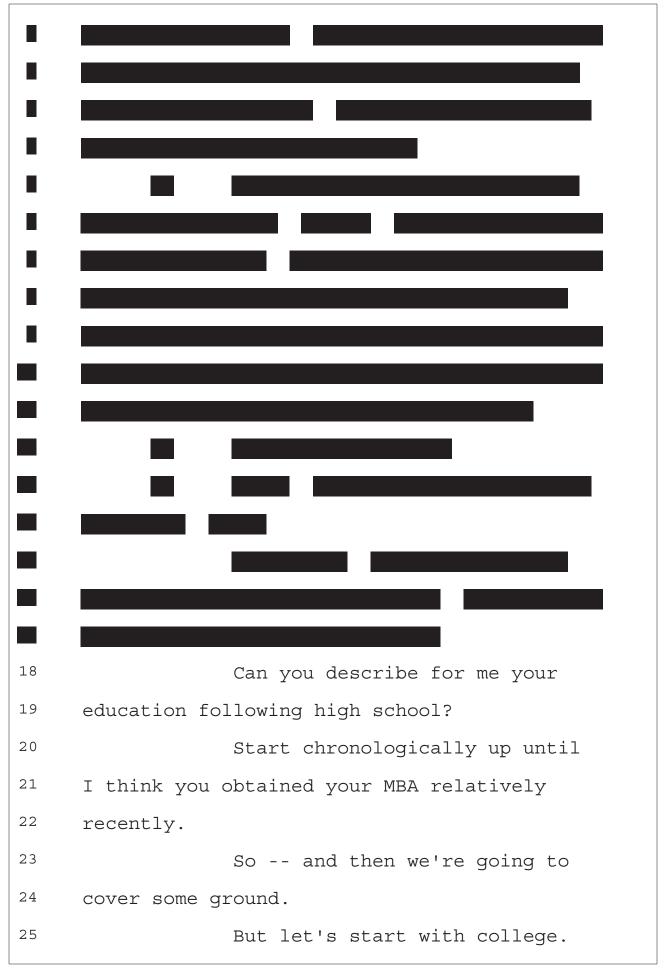












- 1 A. My formal education, I attended
- undergraduate at the University of Nebraska
- 3 Lincoln for pre-pharmacy.
- 4 I then attended pharmacy school
- 5 at the University of Nebraska Medical Center,
- 6 where I obtained a PharmD in 1986.
- And then I completed my MBA in
- 8 2013 through Harding University.
- 9 Q. When did you graduate from
- undergrad?
- 11 A. I did two years of undergrad.
- Q. Okay.
- A. And then entered pharmacy
- school.
- Q. Did you obtain a degree in
- those two years?
- 17 A. No.
- Q. And I think you said PharmD.
- Can you describe for me what the PharmD
- degree is?
- A. It's a doctor of pharmacy
- degree.
- Q. Did you have any particular
- focus in your doctor of pharmacy studies?
- A. Pharmacy.

```
1
           Ο.
                   Right. Within the category of
2.
     pharmacy, did you have a focus on, say, a
3
     particular category of drugs?
4
                   No.
                        It was a broad-based
5
     education to -- PharmD at that time, Nebraska
6
     was one of only eight colleges of pharmacy
7
     that was PharmD only. And so that's why it's
8
     my original degree. It was a more clinically
9
     focused degree at that time.
                                    The prior
10
     degree was bachelor of pharmacy.
11
                   So we spent an additional year
12
     in clinical rotations, but they were
13
     broad-based, including hospital, community,
14
     geriatrics, psychi -- we had a psychiatry
15
     rotation. But the PharmD was intended to be
16
     more clinically based than the previous
17
     degree. And today PharmD is the degree.
18
     It's the only degree. It's evolved over time
19
     that you can't earn a bachelor's degree
20
     anymore. Everyone's PharmD.
21
                   Did you ever have a clinical
22
     rotation through a practice focused on pain
23
     management?
24
                   MS. TABACCHI: Object to the
25
            form.
```

```
1
                   THE WITNESS: Not specific to
2.
            pain management.
3
                   I had rotations that would have
4
            involved pain medications, but not
5
            specific to pain management.
6
            Ο.
                   (BY MR. INNES) Okay. During
7
     those rotations, did you have opportunity to
8
     work with or -- and/or study opioid products?
9
                   MS. TABACCHI: Object to the
10
            form.
11
                   THE WITNESS: I would have
12
            studied opioid products as part of the
13
            curriculum.
14
            Ο.
                   (BY MR. INNES) Okay. Did you
     take a -- was that a specific class part of
15
16
     your curriculum?
17
            Α.
                   It would have been part of
18
     pharmacology classes that I took, and it
19
     likely would have been part of a therapeutics
20
     course that was part of the curriculum.
21
                   Can you describe why you
22
     believe it would have been part of a
23
     therapeutics course?
                   We did different disease state
24
25
     modules through the therapeutics course
```

- which covered all the drugs -- or the
- 2 majority of the drugs that we would have
- 3 studied in pharmacology. Pharmacology was
- 4 more kind of a basic sciences, and then
- 5 therapeutics was more of the clinical
- 6 application.
- 7 Q. Okay.
- 8 In that -- those clinical
- 9 applications, you mentioned disease states.
- Were opioids -- during those classes were
- opioids discussed during a specific disease
- 12 state?
- A. I don't recall.
- Q. When you -- you also mentioned
- that there was -- let's just bifurcate --
- pharmacology and clinical.
- In pharmacology, did you study
- the effects of opioids on the human body?
- 19 A. Pharmacology would have been
- kind of the chemistry behind the compound,
- how they work, where they work. So that
- would have -- it would have been
- understanding the chemical structure of the
- drug, and then the process by which they work
- in the body.

```
1
           Ο.
                   And did you come to understand
     the chemical structure of opioids?
2.
3
                   MS. TABACCHI: Object to the
4
            form.
5
                   THE WITNESS: I believe it
6
           would have been part of that course.
7
                   (BY MR. INNES) Okay. And then
8
     in that course, did you also come to
     understand the process by which opioids work
10
     in the body?
11
                   MS. TABACCHI: Object to the
12
           form.
13
                   THE WITNESS: I believe so.
14
                   (BY MR. INNES) Okay. Did you
           0.
     study the differences between immediate
15
16
     release and extended release tablets?
17
                   I don't know if in 1980 --
           Α.
18
     well, that probably would have been 1984. I
19
     don't recall what formulations were
20
     available. I don't know if there were
21
     extended release at that time. I don't
22
     recall that.
23
              Okay. Did you study -- strike
           0.
24
     that.
                   As part of your studies for
25
```

- 1 PharmD, did you receive any presentations or
- 2 courses from drug manufacturers?
- A. Not that I recall. It would
- 4 have been university professors.
- Q. As part of your studies for
- 6 PharmD, did you take any classes specific to
- 7 the business of pharmacy?
- 8 A. We had a pharmacy
- 9 administration class.
- Q. And what did that pharmacy
- administration class cover generally?
- 12 A. It was general business
- operations, what -- probably is an equivalent
- like an economics class but related to
- pharmacy operation.
- Q. And by an "economics class,"
- what do you mean by equivalent of an
- 18 economics class?
- 19 A. It would be purchases and
- finance of a pharmacy. It was focused on
- 21 pharmacists who might want to open their own
- business, be their own business owner.
- Q. So not macroeconomic theory or
- something like that?
- A. Nothing that detailed.

```
1 Q. Following the degree you
```

- obtained -- the PharmD degree you obtained --
- 3 strike that.
- 4 Let's go over the history of
- 5 your employment now.
- Did you have a job while you
- 7 were in college?
- 8 A. Yes.
- 9 Q. Where was that?
- 10 A. So two. I worked at a local
- pharmacy in Omaha, Nebraska. We had a
- requirement to gain experience hours on our
- own, so I worked at a -- I was an intern at a
- 14 pharmacy in Omaha.
- I also was a member of the
- 16 Nebraska National Guard.
- Q. Did you have any
- responsibilities regarding -- any pharmacy
- responsibilities during your service in the
- Nebraska National Guard?
- 21 A. No.
- Q. Following your graduation from
- PharmD, or obtaining your PharmD, where were
- you employed?
- A. I went on active duty in the

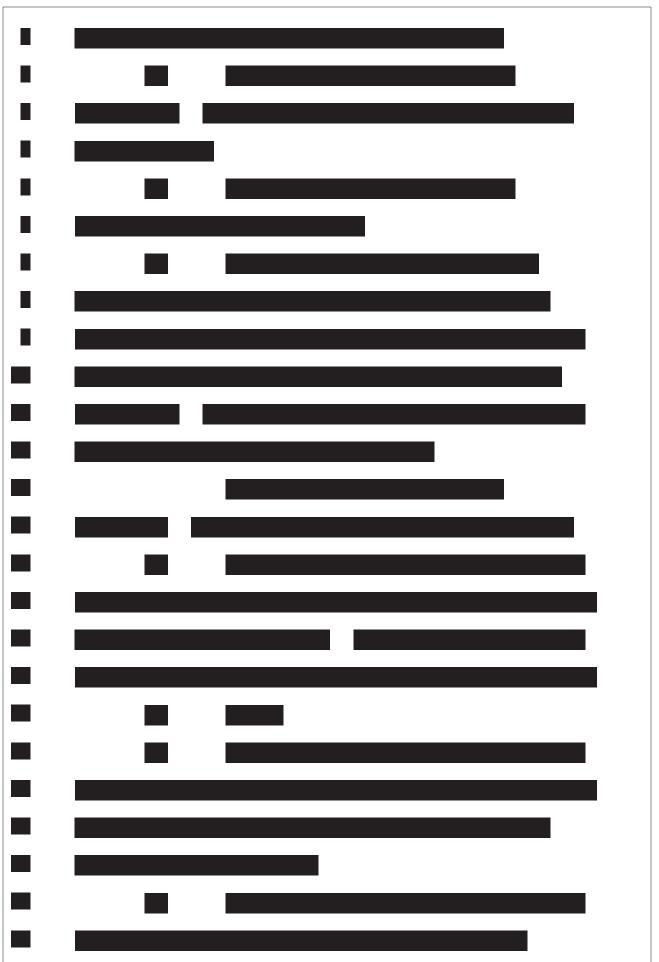
- 1 Navy as a pharmacist.
- Q. Okay. And how long were you on
- active duty in the Navy?
- 4 A. Three years.
- 5 Q. And what were your
- 6 responsibilities as an active duty pharmacist
- <sup>7</sup> in the Navy?
- 8 A. I was stationed at Naval
- 9 Hospital, Jacksonville, Florida. I was the
- inpatient pharmacist, so my responsibilities
- included rounds with physicians. We had a
- family practice residency through the Navy,
- so all Navy doctors that were in family
- practice went through that residency.
- So I did rounds with the
- residents and with the attending. I sat on
- the pharmacy and therapeutics committee for
- the hospital. I checked carts. I
- compounded. I made TPNs and chemo IVs.
- 20 And then I supplemented -- we
- had an outpatient pharmacy that dispensed --
- was very high-volume, so I also had duties,
- when my inpatient responsibilities were
- complete, to go help out in the outpatient
- pharmacy.

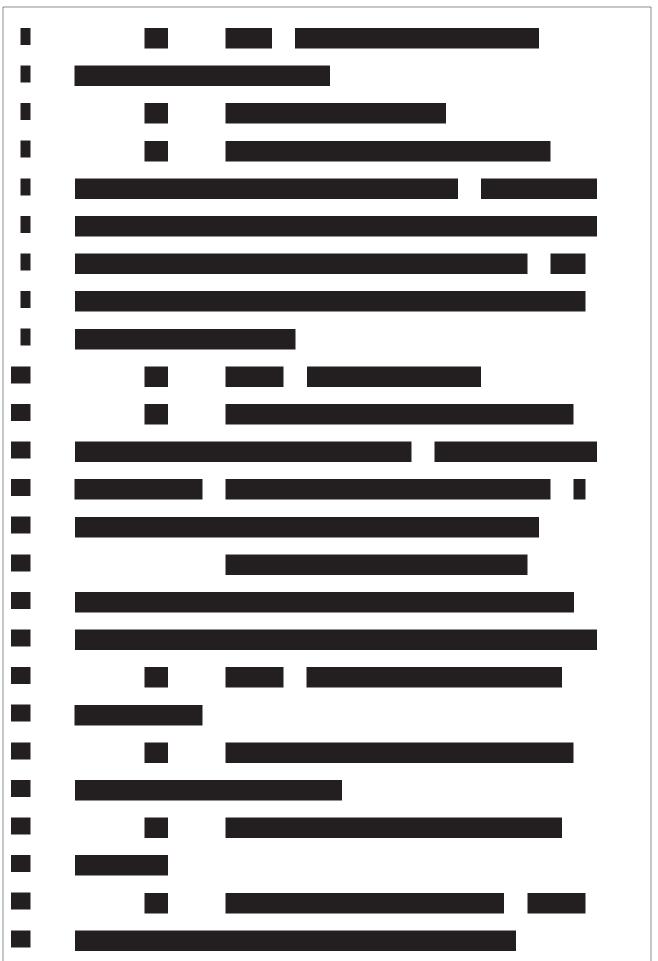
```
1
            0.
                   Okay. In that role, did you
2
     have occasion to dispense opioid products?
3
            Α.
                   Yes.
4
            Q.
                   And do you recall specifically
5
     what those conditions were that you were
6
     treating with opioids at that time?
7
                   MS. TABACCHI: Object to the
8
            form.
9
                   THE WITNESS: I don't. We used
10
            opioids inpatient for pain management
11
            post surgery, and we dispensed
12
            outpatient prescriptions that we
13
            received.
14
                   (BY MR. INNES) Outside of
            Ο.
15
     postsurgical dispensing, did you -- do you
16
     recall if you ever dispensed opioids to treat
17
     chronic pain?
18
                   MS. TABACCHI: Object to the
19
            form.
20
                   THE WITNESS: Not that I
21
            recall.
                     The inpatient, we didn't --
22
            the inpatient stay was limited, and so
23
            I don't recall that.
24
                   (BY MR. INNES) Okay.
                                           Ι
25
     believe you also -- maybe I misheard you, but
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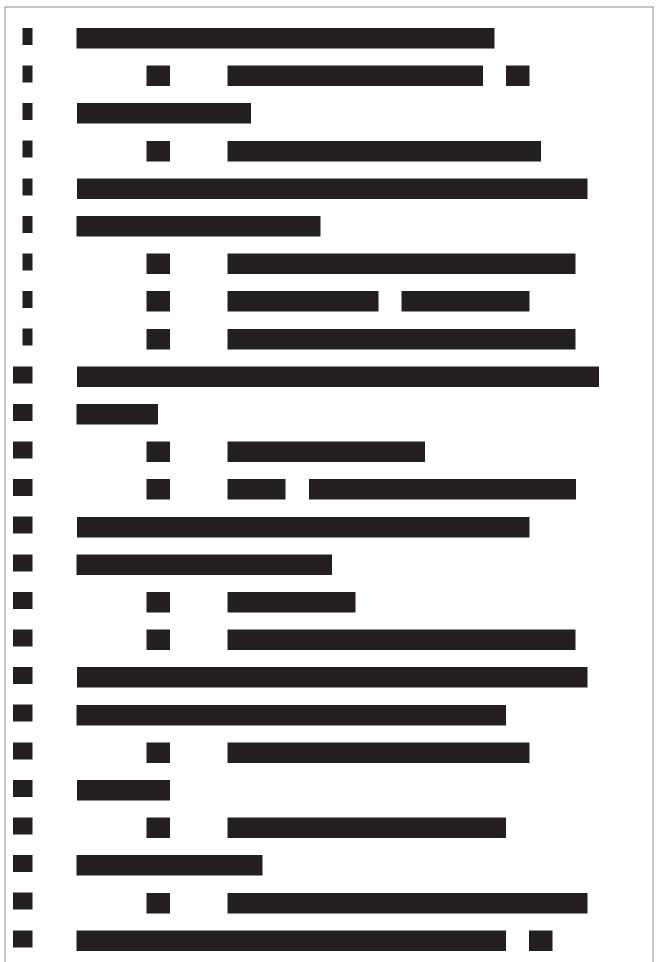
```
I thought you said you had some outpatient
 1
 2
     responsibilities as well?
 3
            Α.
                   Yes.
 4
            Q.
                   Did those involve treatment of
     chronic pain through dispensing of opioids?
 5
 6
                   MS. TABACCHI: Object to the
 7
            form.
 8
                   THE WITNESS: We dispensed
 9
            opioids outpatient. There were -- I
10
            just -- I don't know -- I didn't
11
            always know what the diagnosis was
12
            that we were dispensing for.
13
                    (BY MR. INNES) When did you
            Ο.
     leave active duty in the Navy?
14
15
                   1989.
            Α.
16
                   And from there, where was your
            Ο.
17
     next -- what was your next job?
18
            Α.
                   Walmart.
19
            Ο.
                   What was the first role you
20
     held at Walmart?
21
            Α.
                   I was a part-time pharmacist.
22
                   And where was that?
            Ο.
23
            Α.
                   San Antonio, Texas.
                   How long were you a part-time
24
            Q.
25
     pharmacist in San Antonio Texas?
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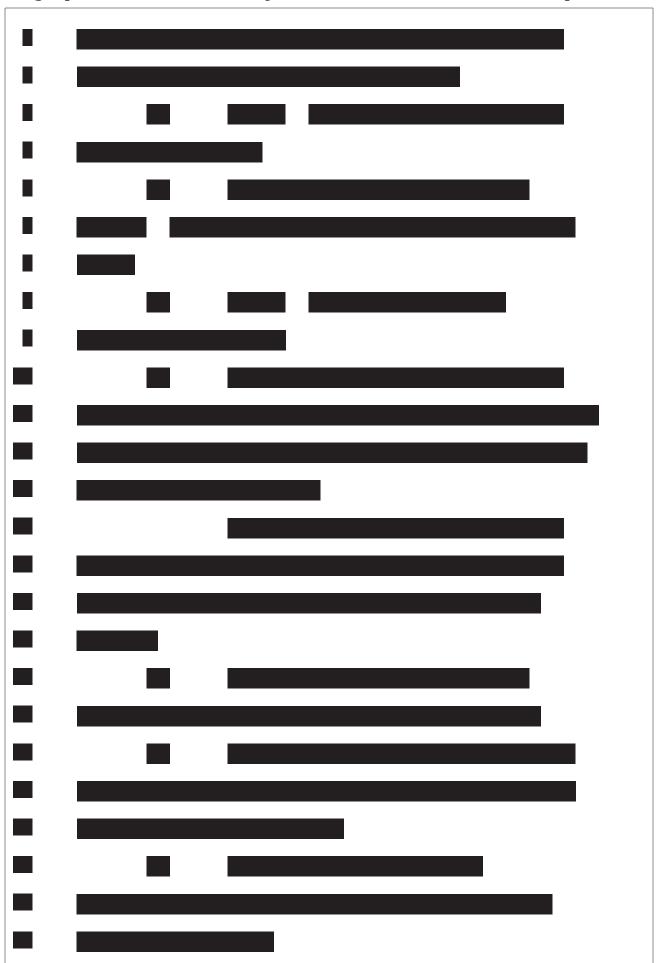
- A. About six weeks.
- Q. Okay. And following that
- 3 six-week stint in 1989 as a part-time
- 4 pharmacist, what was your next role at
- 5 Walmart?
- 6 A. I was full-time.
- 7 Q. Full-time. Okay. And how long
- 8 were you full time -- the full-time
- 9 pharmacist in San Antonio?
- A. About nine months.
- 11 Q. And then what was your next
- 12 title?
- A. My husband was in the Navy, so
- we transitioned to a new duty station. And I
- came to Florida as a staff pharmacist in the
- 16 Orlando area.
- 0. Also at a Walmart?
- 18 A. Yes. Let me check that. That
- is not true. We went to Pensacola after
- 20 San Antonio.
- 21 Q. Okay.
- A. And I was a staff pharmacist in
- Pensacola.
- Q. At a Pensacola, Florida
- 25 Walmart?

1 Α. Yes. 2. And what was your next job Ο. 3 after the Pensacola pharmacy? 4 We were there about a year, and we transferred again to Orlando, and I was a 5 6 staff pharmacist. 7 Ο. Okay. 8 And after Orlando? I was promoted to pharmacy 9 Α. manager of Mount Dora, Florida Walmart around 10 11 1993 or '4. 12 Can you spell Mount Dora for 13 the benefit of the court reporter? 14 M-O-U-N-T, D-O-R-A. Α. 15 And after the new pharmacy 16 manager position at Mount Dora, what was your 17 next position? 18 I was promoted to district 19 manager, still in Florida. 20 And what year was that? Q. 21 1998. Α.

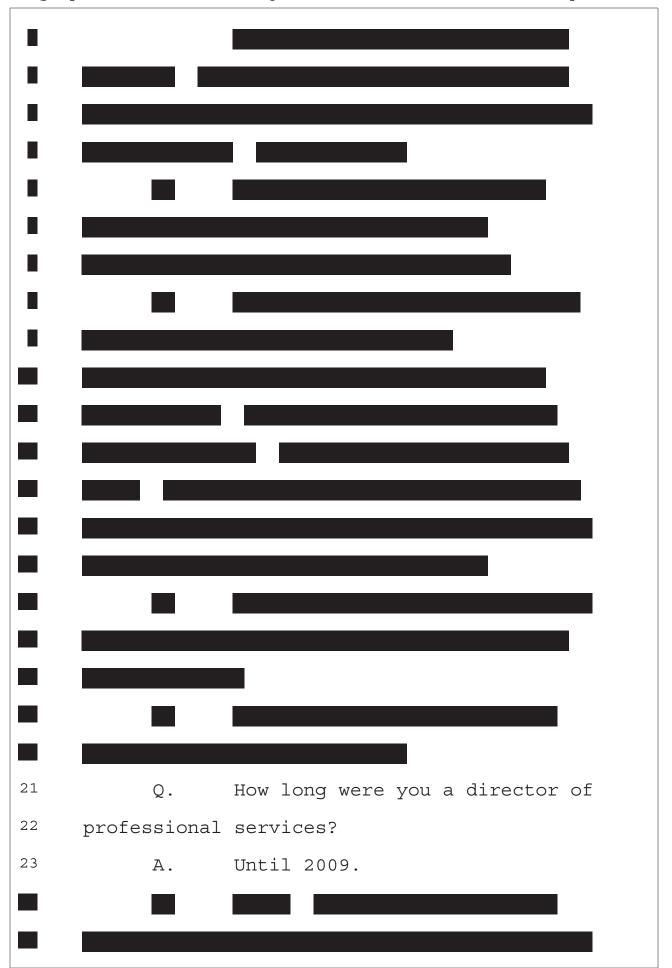




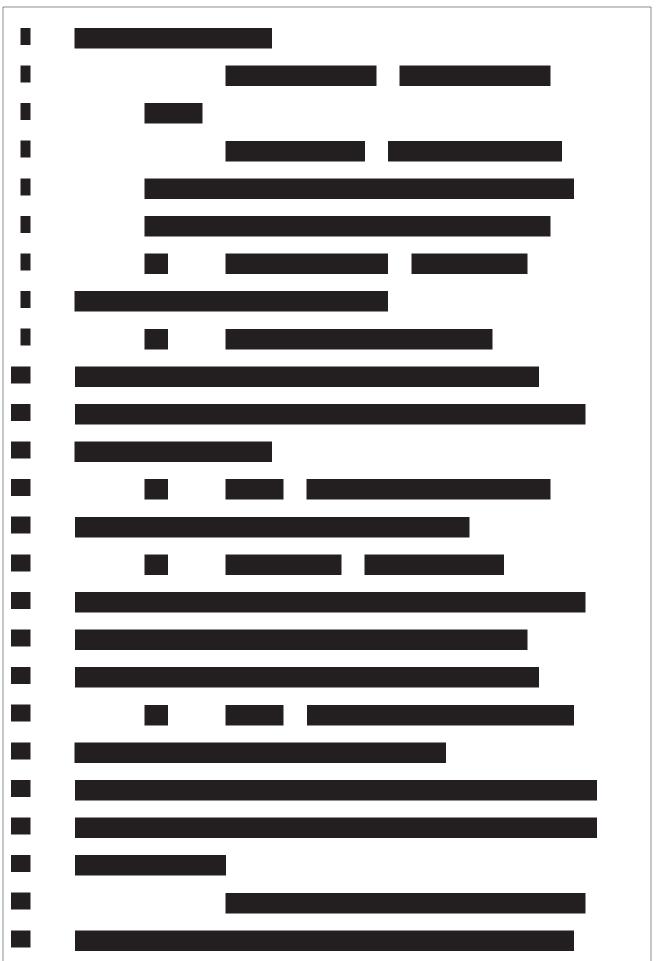


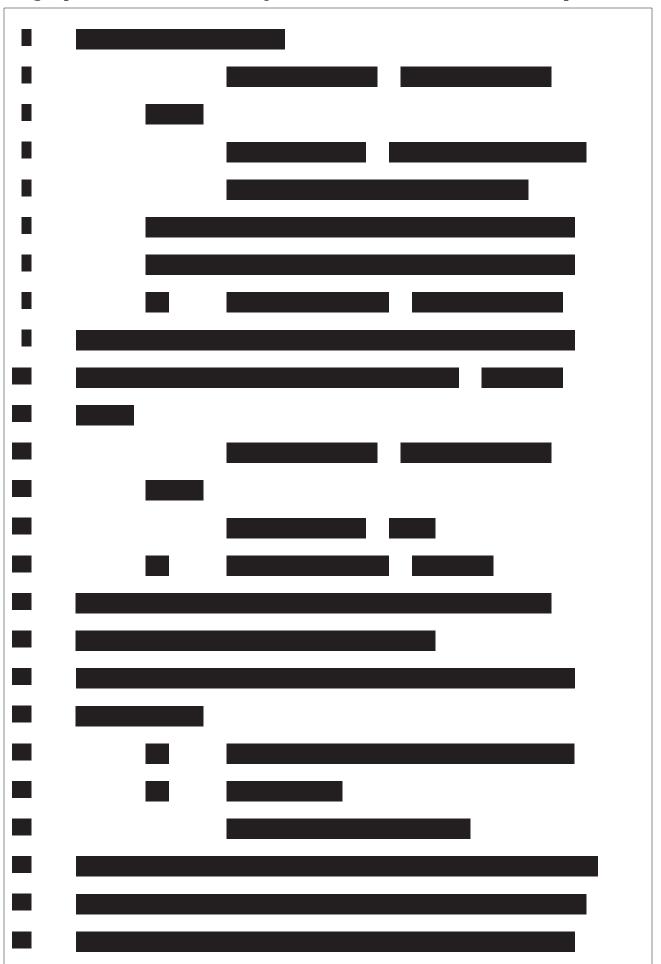


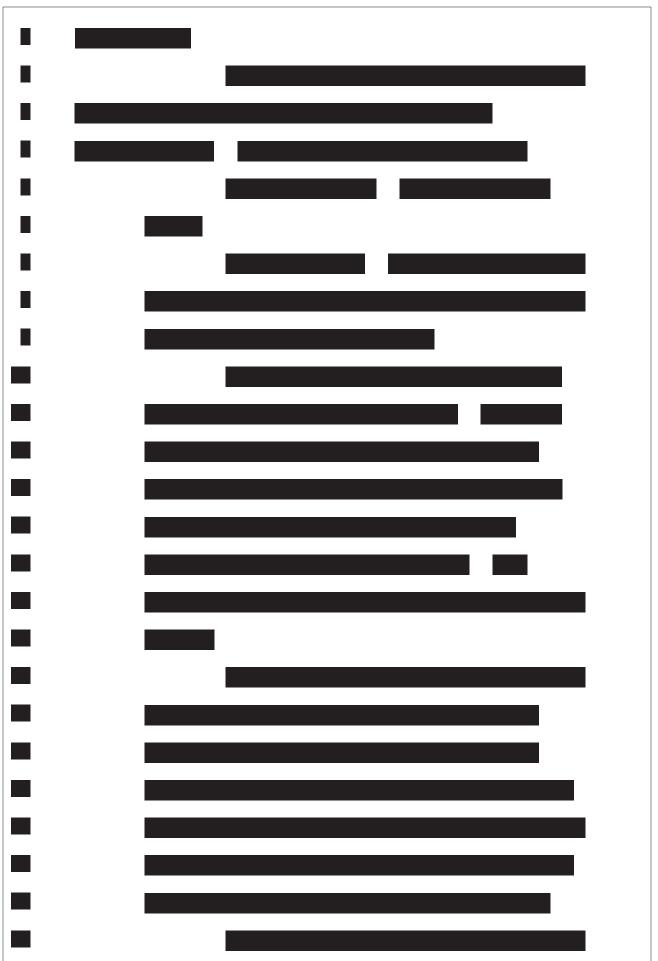
What was your next position at Ο. 3 Walmart? 4 Α. In 2002, I was director of 5 professional services. So in 2002, you're director of 6 Ο. 7 professional services and also regional 8 manager? 9 Α. Oh, I'm sorry, did I say '2? I meant '5. 2005, I was director of 10 professional services. 11 12 Q. What were your duties as 13 director of professional services? 14 I had responsibility for Board Α. of Pharmacy issues, policies, as well as --15 16 it was -- it was largely regulatory issues 17 around the practice of pharmacy for the 18 states that I was responsible for.

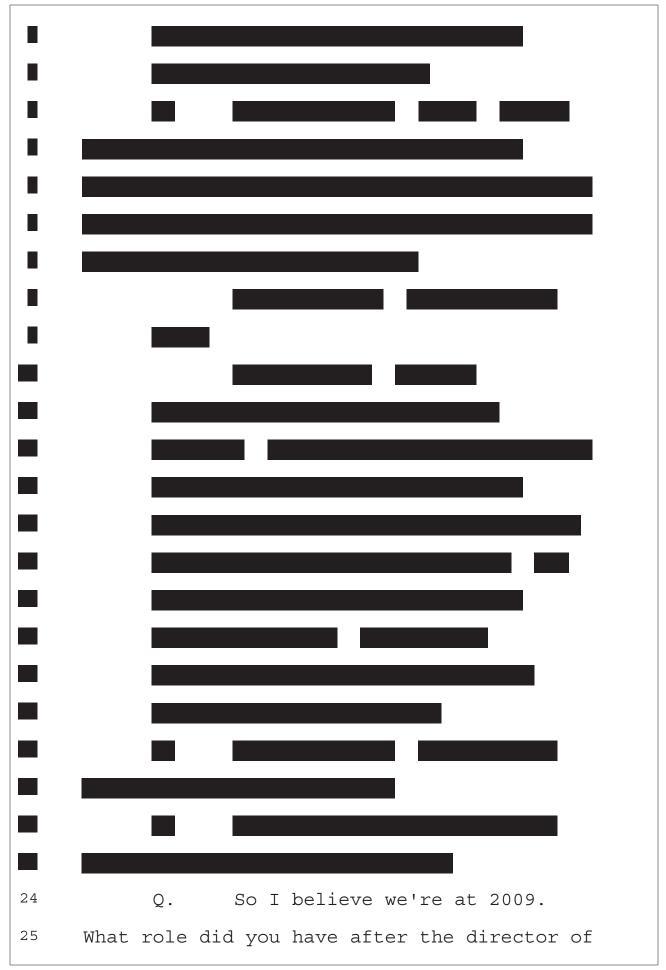








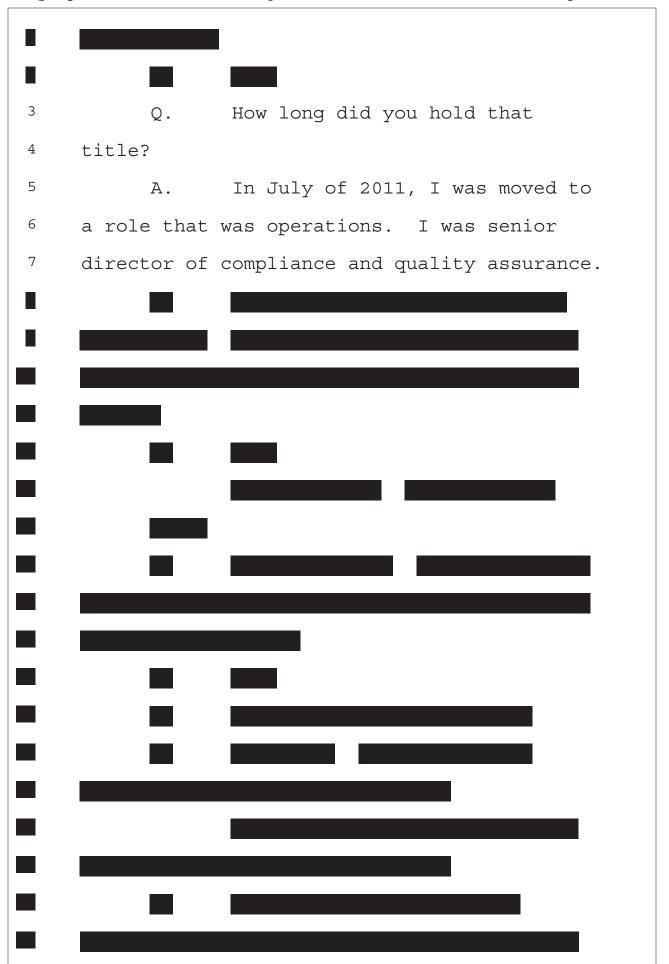


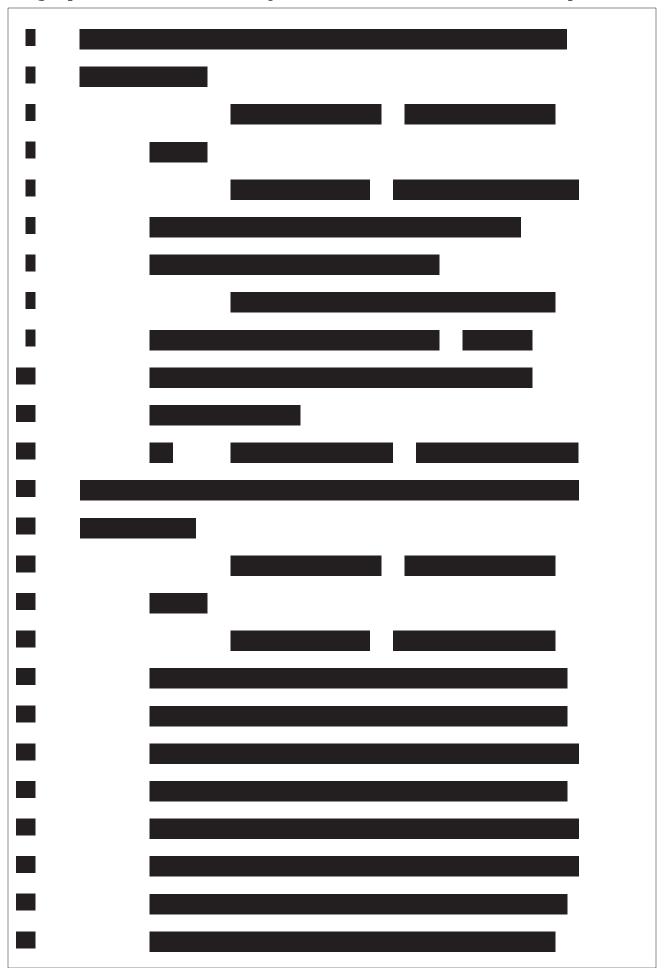


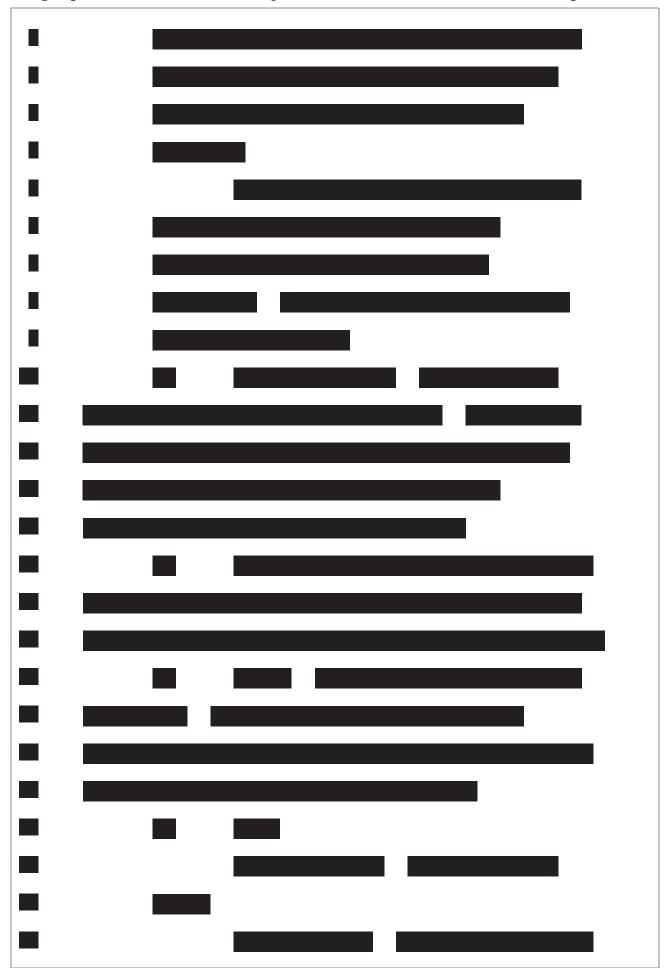
- professional services?
- A. In 2009, I was a senior
- director, regulatory affairs. Regulatory
- 4 affairs was the new name for professional
- 5 services.
- 6 Q. Okay. Was that a title change?
- Was there a functional change to your
- 8 day-to-day work?
- 9 A. I was promoted in that 2009
- 10 title.
- Q. And what were your
- responsibilities as senior director of
- regulatory affairs at that time?
- 14 A. I had responsibility for the
- directors, the previous role that I had been
- 16 in.
- 17 Q. Okay.
- A. As well as the licensing
- 19 function for our -- any license that a
- 20 pharmacy or distribution center held.

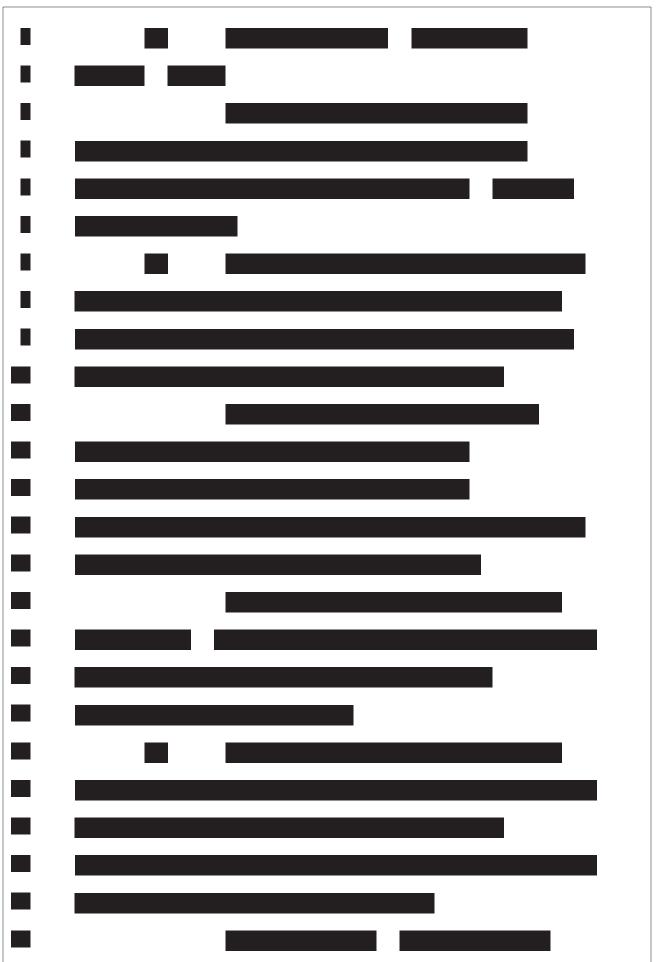


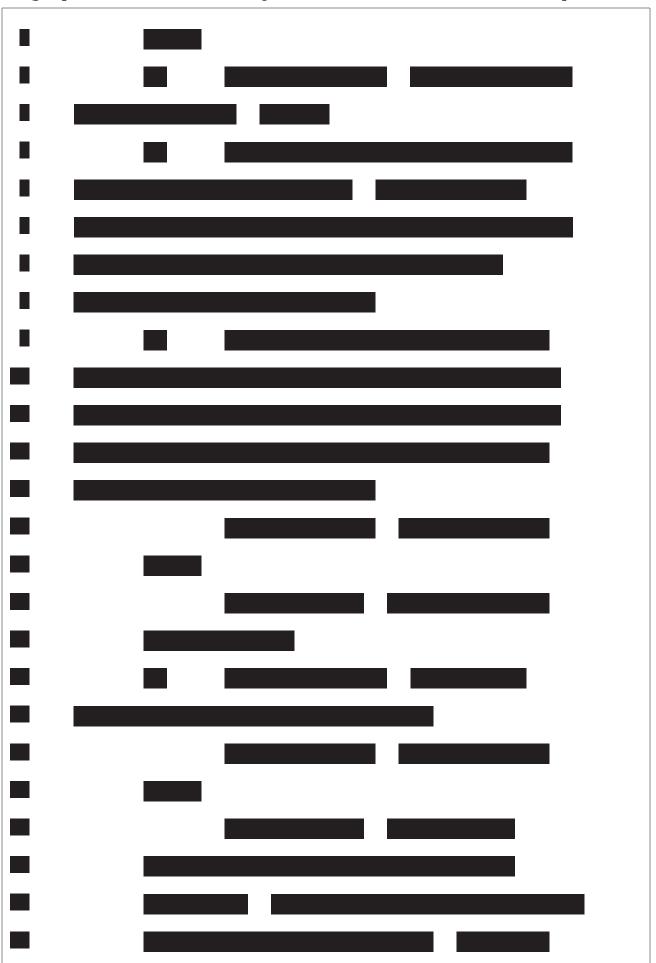
Golkow Litigation Services

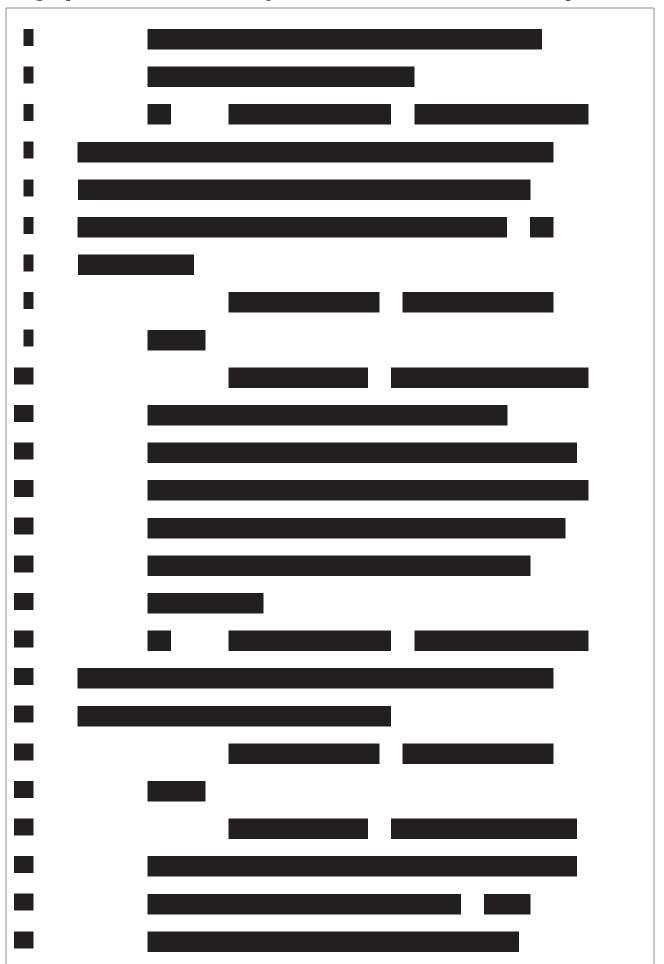


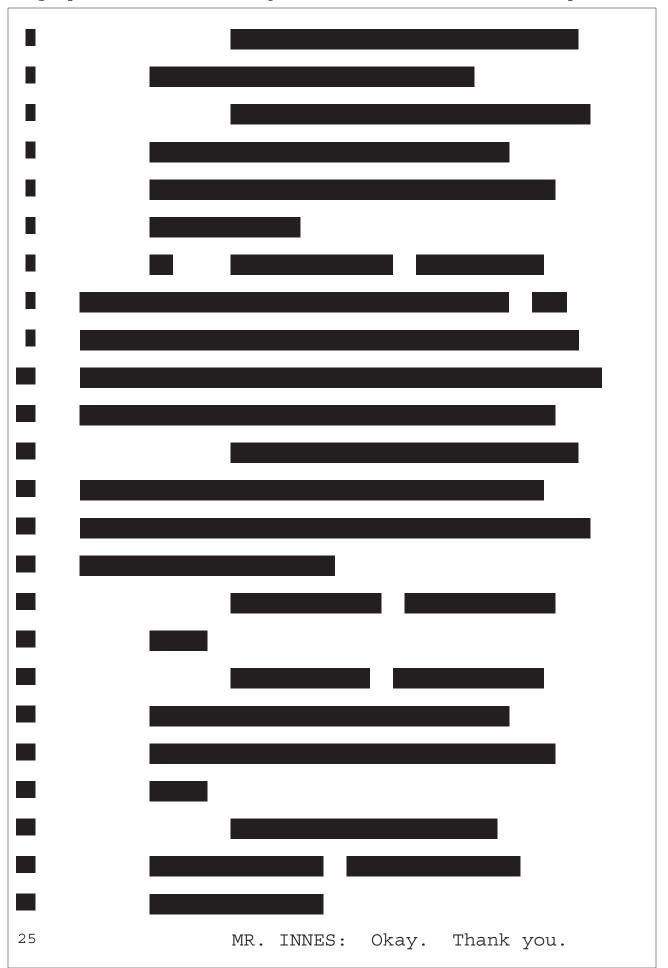




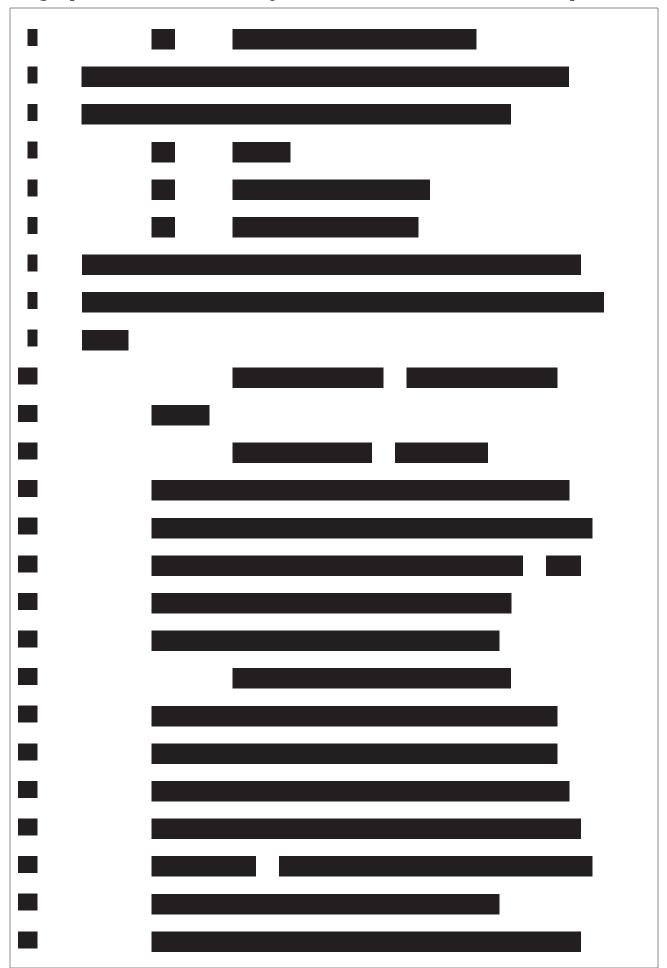


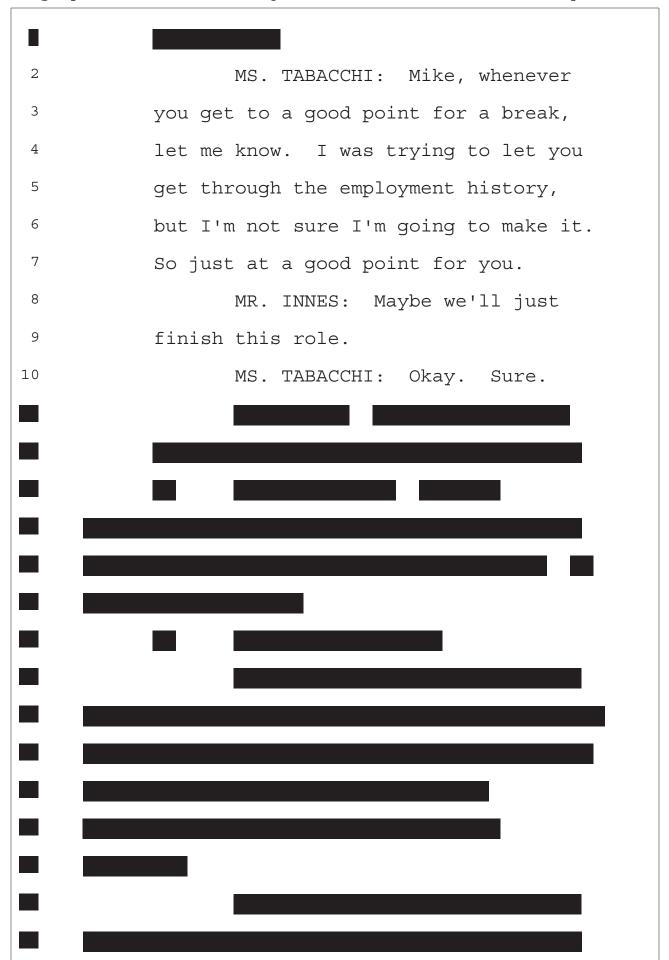


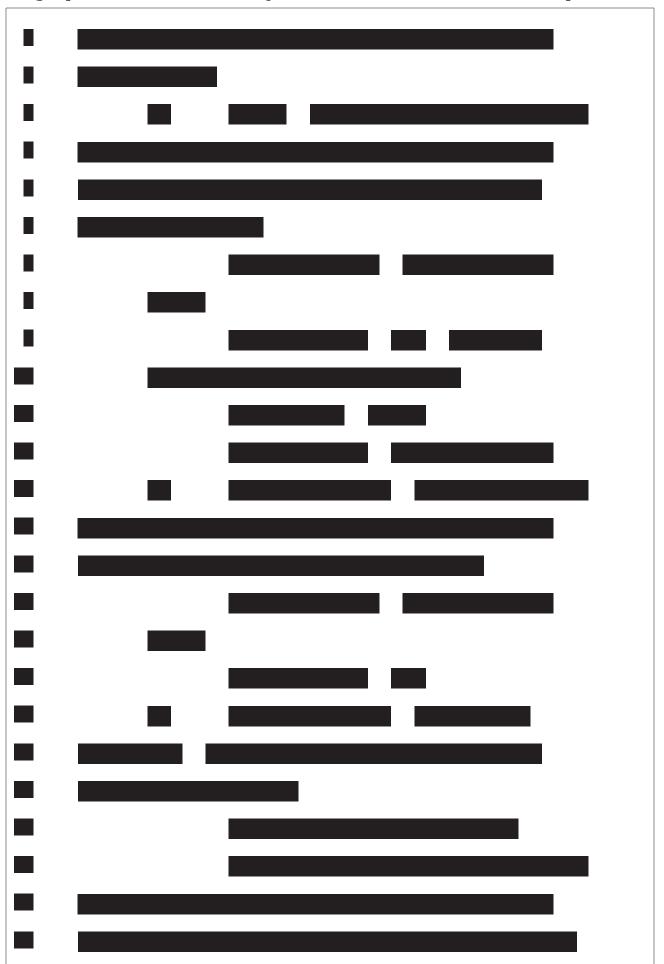




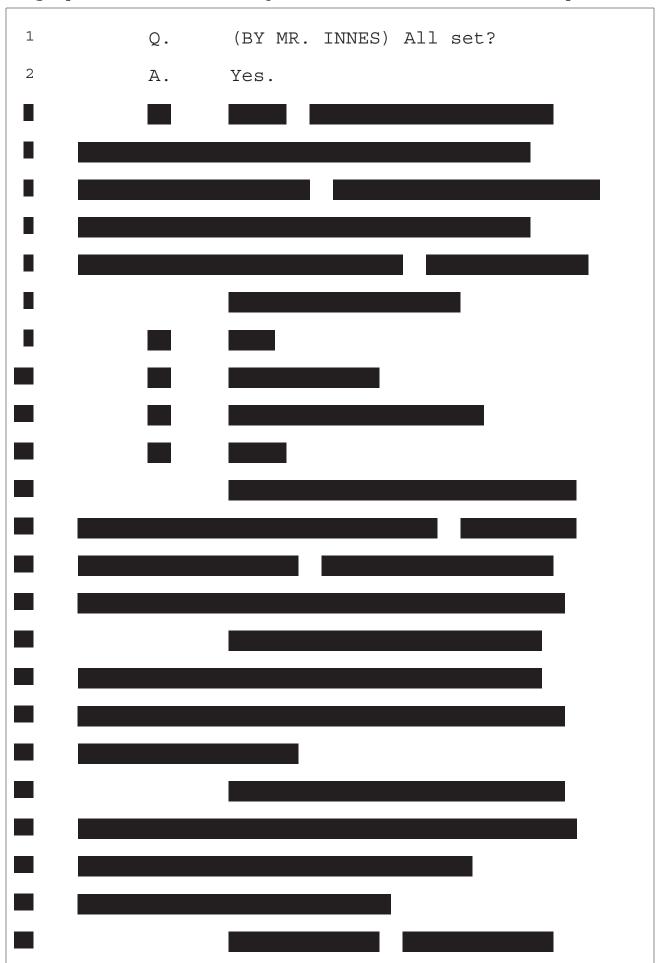
So July 11th, you take over senior 1 2. director of compliance and quality 3 assurance. Is that right? 4 THE WITNESS: Yes. (BY MR. INNES) And how long 5 Ο. did you hold that title? 6 7 Seven months. 8 Q. And what were your responsibilities --10 Α. Five months. 11 Q. Okay. 12 Α. Five months. 13 Ο. And what were your 14 responsibilities during that five-month time 15 period? 16 The role was more around 17 Walmart -- other compliance work, so where we 18 had practice of pharmacy in my regulatory This was things like HIPAA 19 affairs work. 20 compliance, billing compliance. 21 I also had -- that's when I 22 first picked up the quality assurance team.

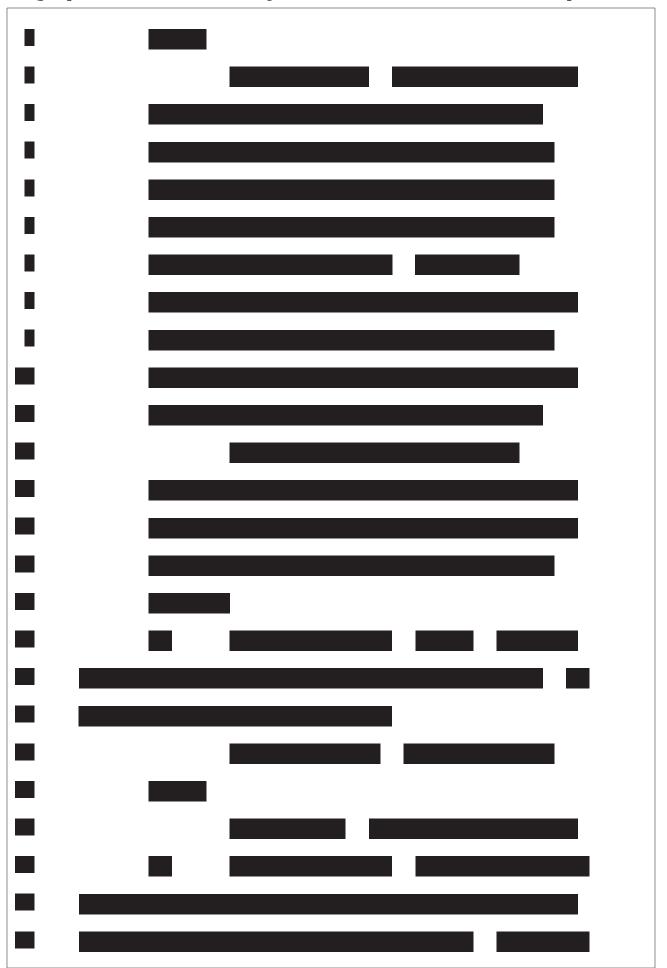


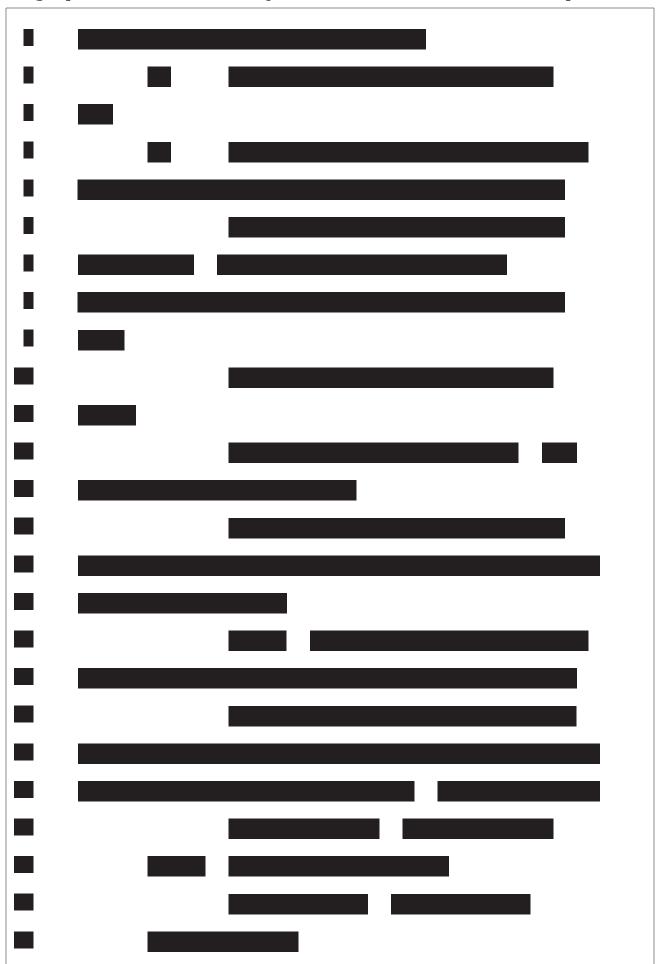


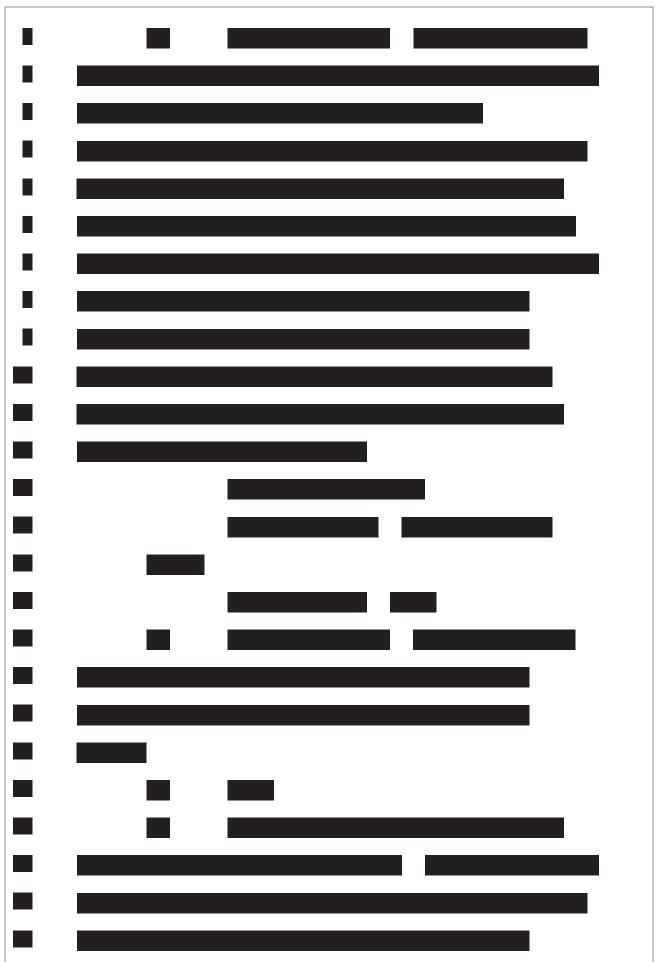


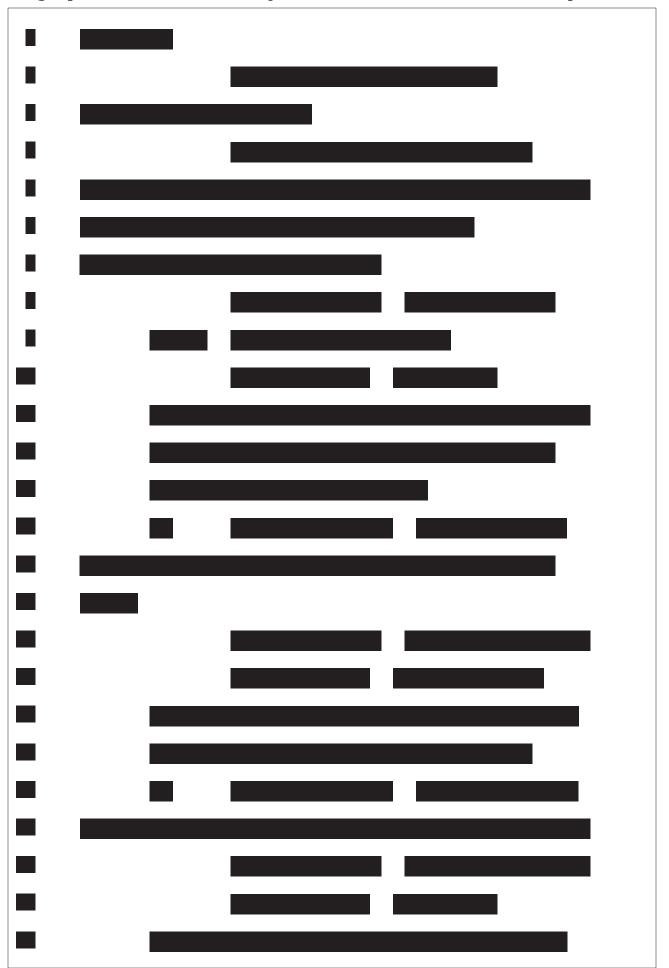
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3
                   MR. INNES: Okay. Let's go off
                         Take a short break.
           the record.
5
                   THE VIDEOGRAPHER: 9:57. We
6
           are off the video record.
7
                   (Recess taken, 9:57 a.m. to
8
           10:09 a.m.)
9
                   THE VIDEOGRAPHER: 10:09. We
10
           are on video record.
11
                   (Whereupon, Deposition Exhibit
12
           Walmart-Hiland 1, 12-4-07 email from
13
           Jimmie Sherl to Mike Mullin. Subj:
14
           DEA Scheduled Visit of DC 6045 120507.
15
           WMT MDL 000054021-54022, was marked
16
           for identification.)
17
           Q.
                   (BY MR. INNES) Okay.
18
     Ms. Hiland, we're back. You've been handed
19
     what's been marked as Exhibit 1. I'll give
20
     you a few minutes to review it.
21
                   When you're ready, let me know
22
     but, for the record, let me read in the Bates
23
     number. It's a Walmart document beginning
24
     with 54021 and ending in 54022.
                   [Document review.]
25
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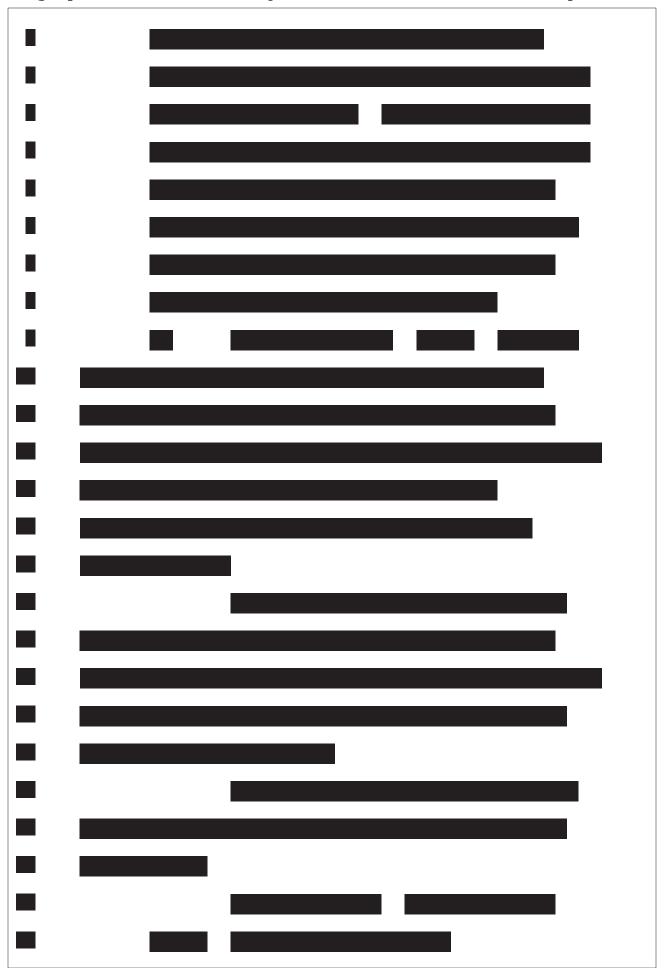


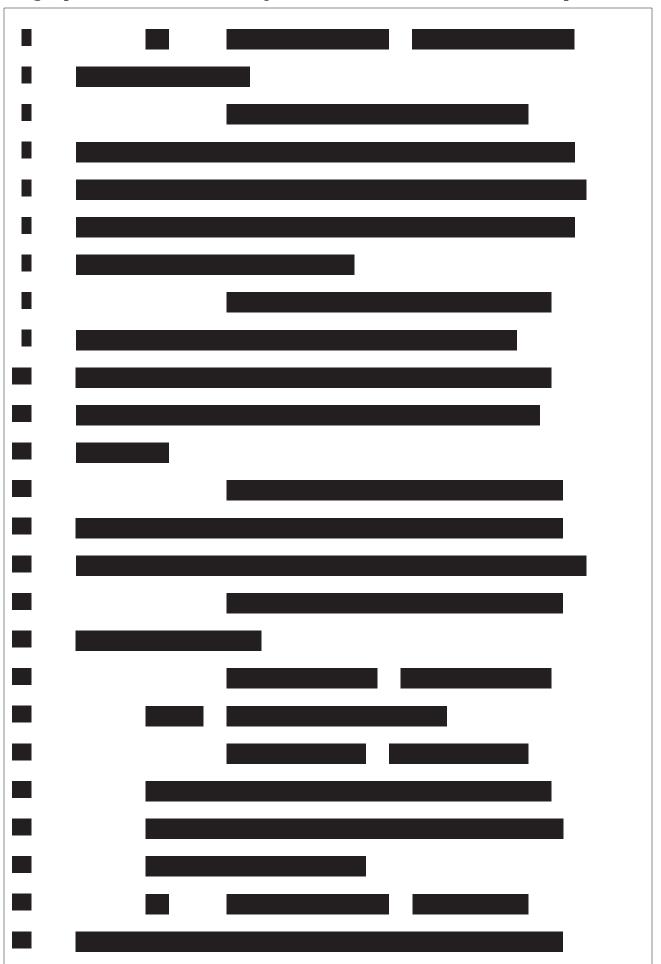


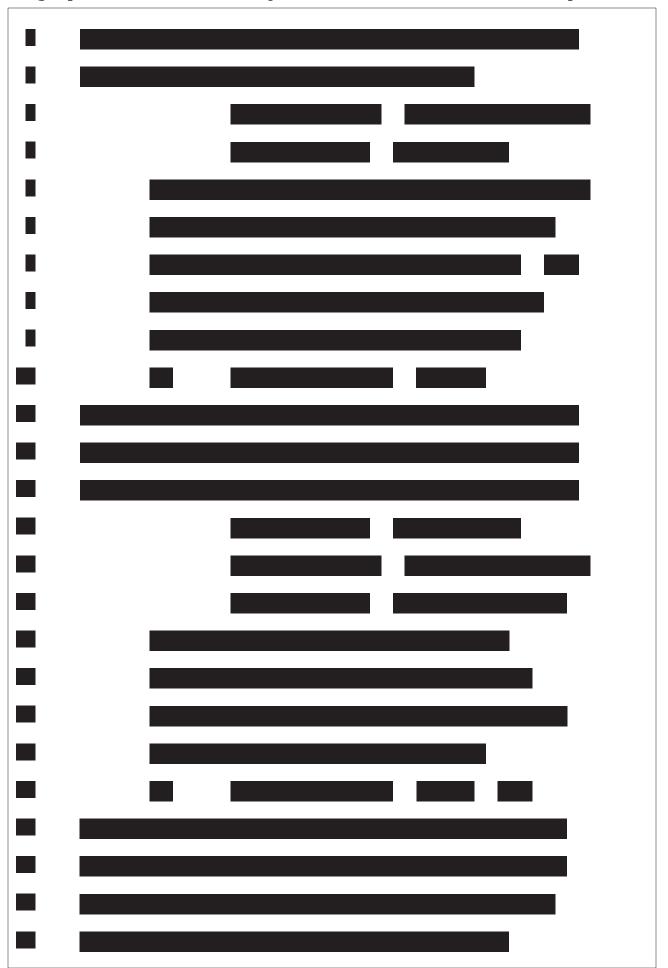


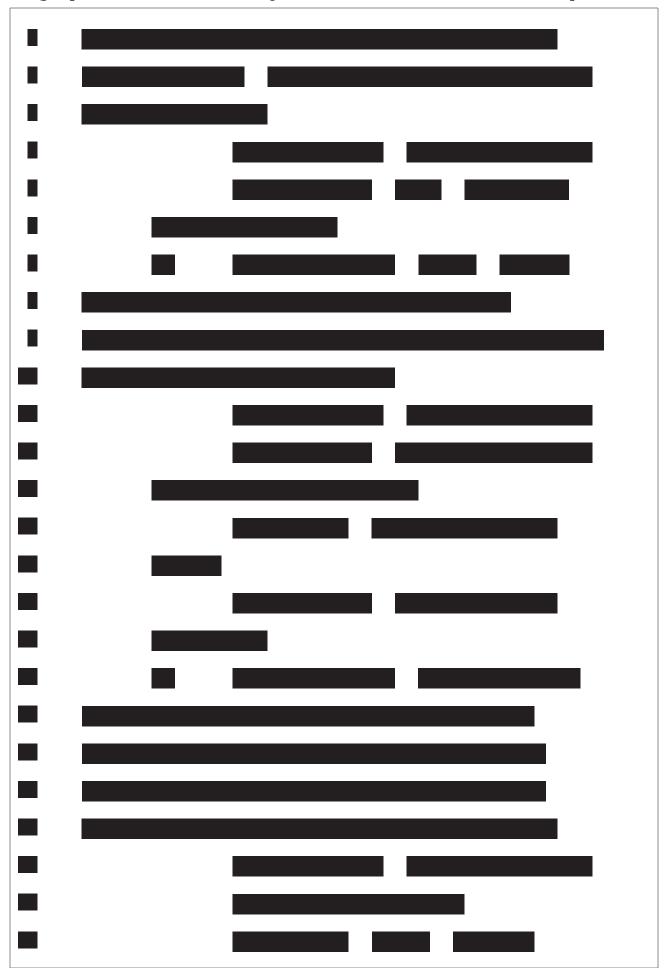


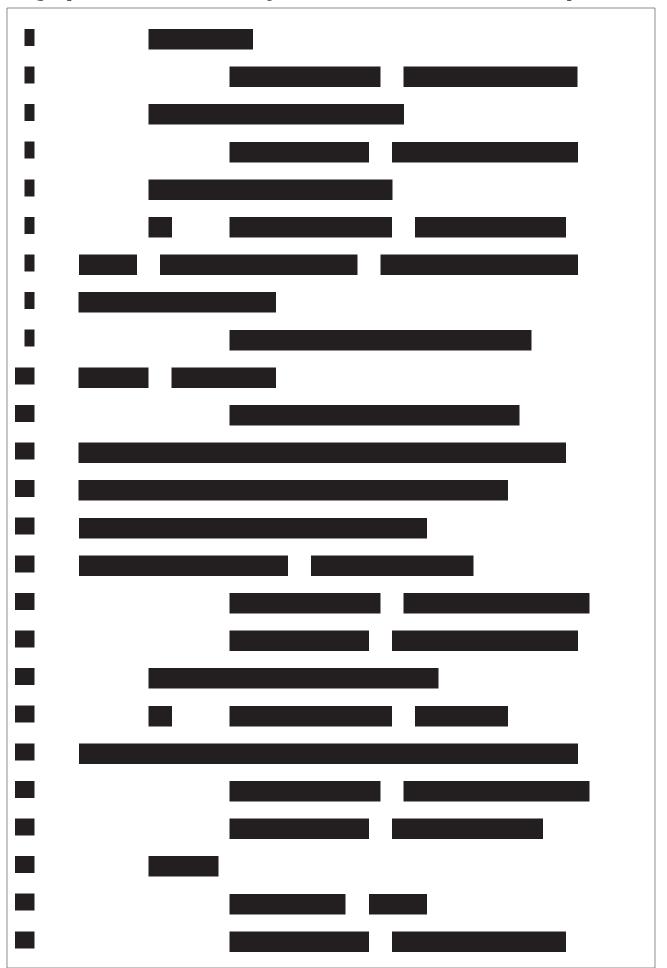


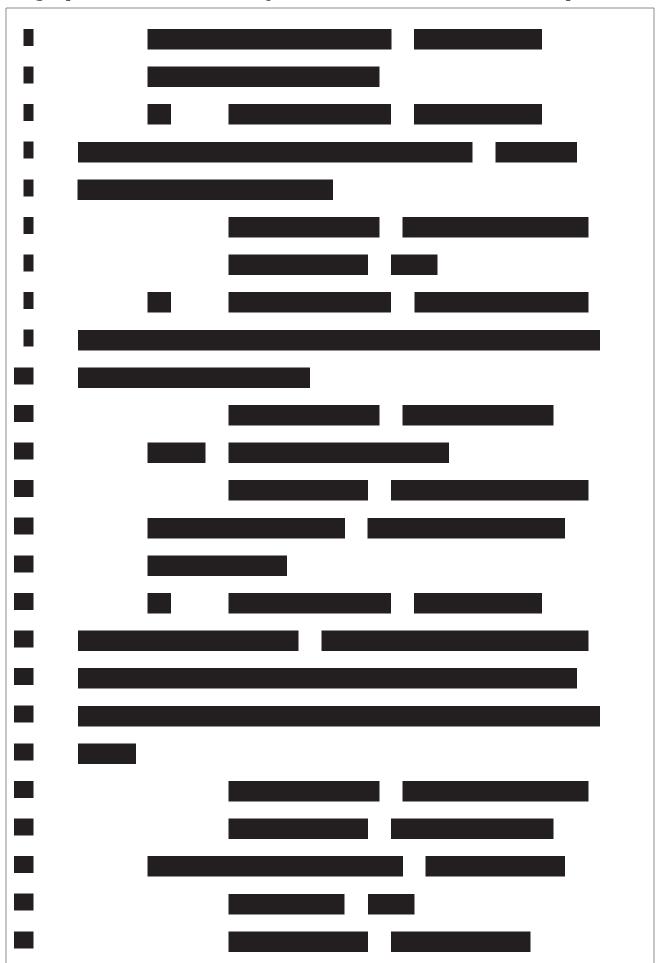


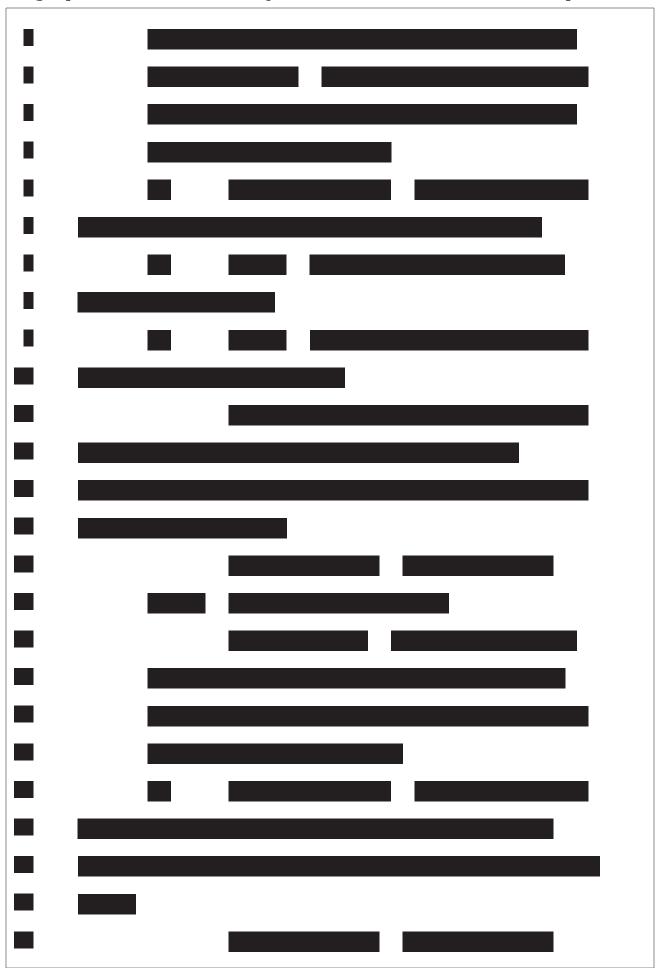


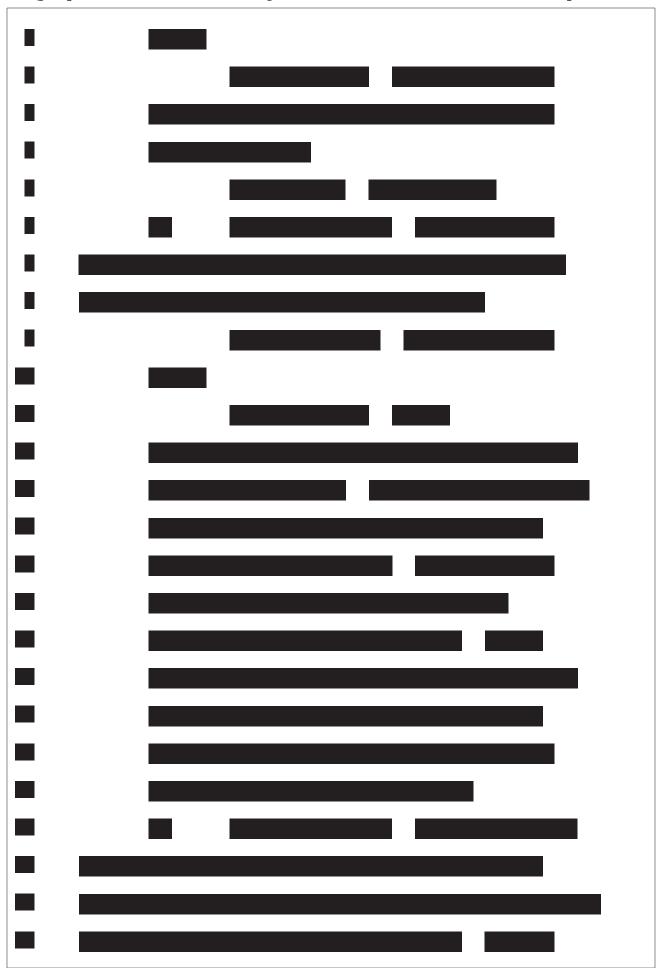






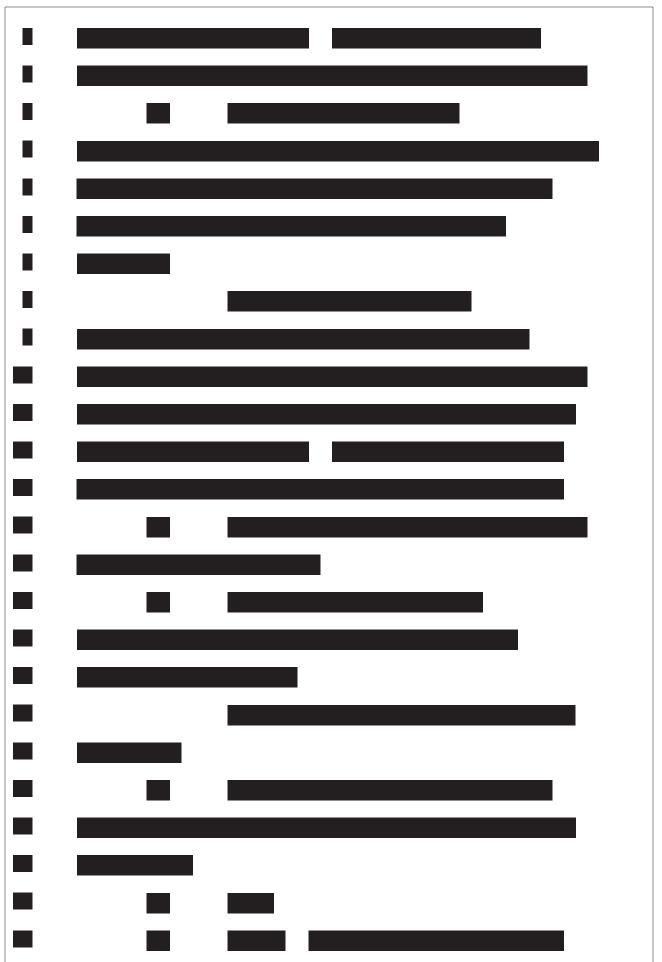


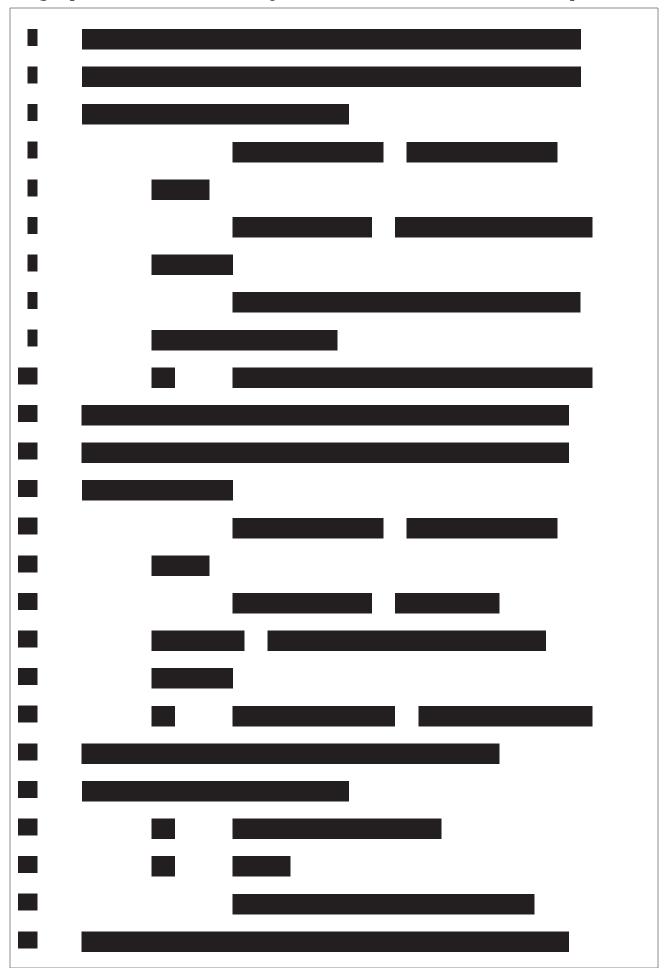


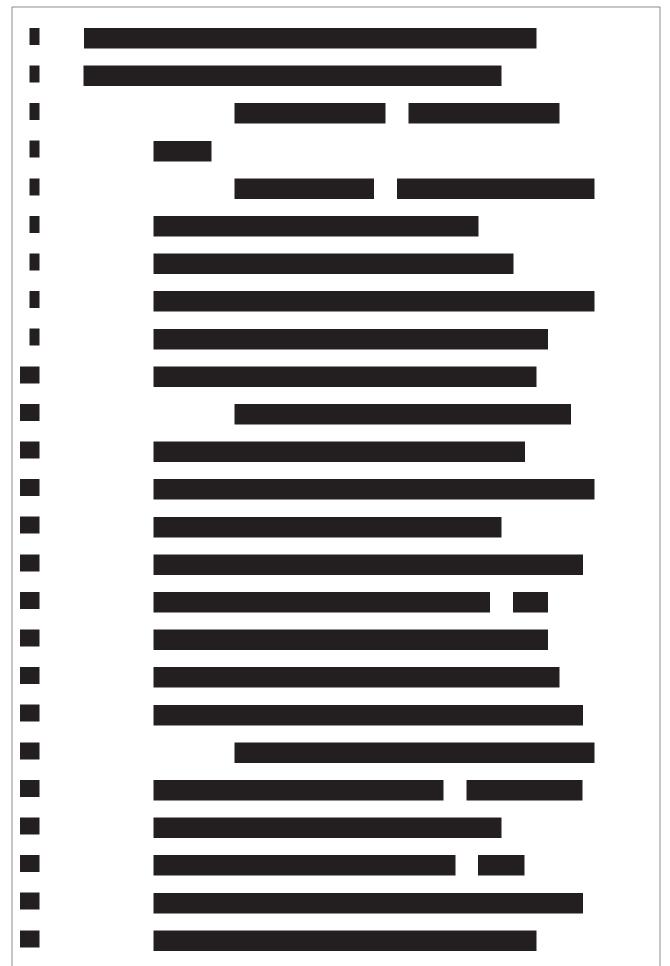


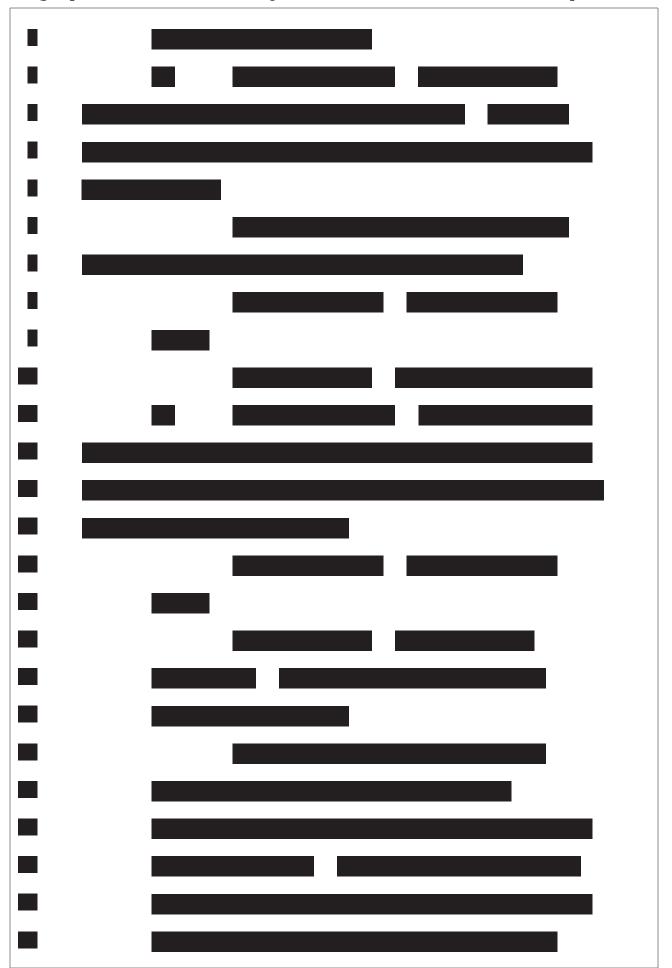
6 (BY MR. INNES) Now let's 7 return to your employment history. See if we can't push through that. 8 Okay. So in July of 2011, you 9 10 were the senior director of compliance and 11 quality assurance. You held that title for 12 about seven months? Is that what you said? 13 Five, seven months? 14 Approximately. It was from Α. 15 July until, in title change, February 1st of 16 2012. 17 And how did your title change Q. 18 February 1st of '12? 19 This is the one I can't 20 specifically recall, but I think it was 21 senior director of professional relations and 22 clinical quality assurance? Clinical quality 23 improvement? 24 And were your roles -- what was 25 your role and responsibility under that

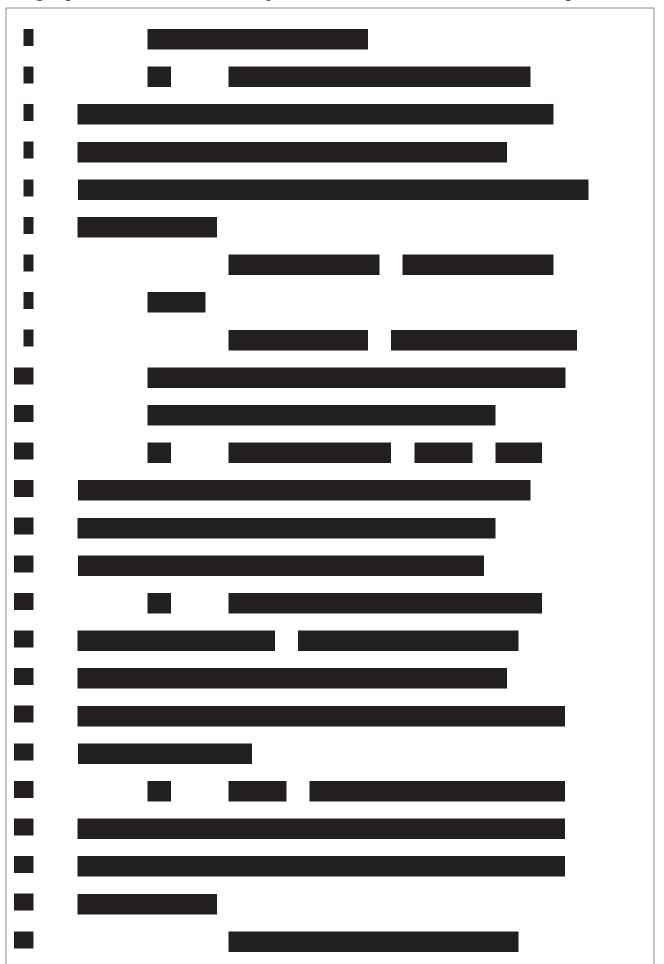
1 title? 2. I had responsibility for the 3 quality assurance program that evolved to quality improvement program. 4 I had 5 responsibility for professional -- the professional relations function was largely 6 7 associated with our relationships with our --8 with optometrists that were leasing space in our Supercenters. And I had responsibility 9 10 for the health and wellness, so the broad 11 health and wellness training function.

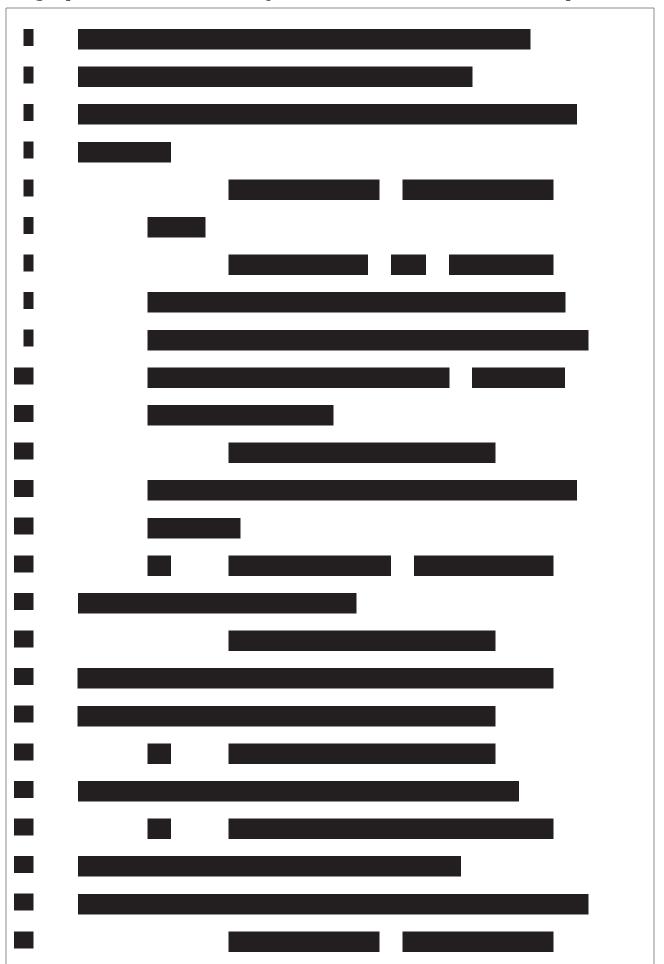


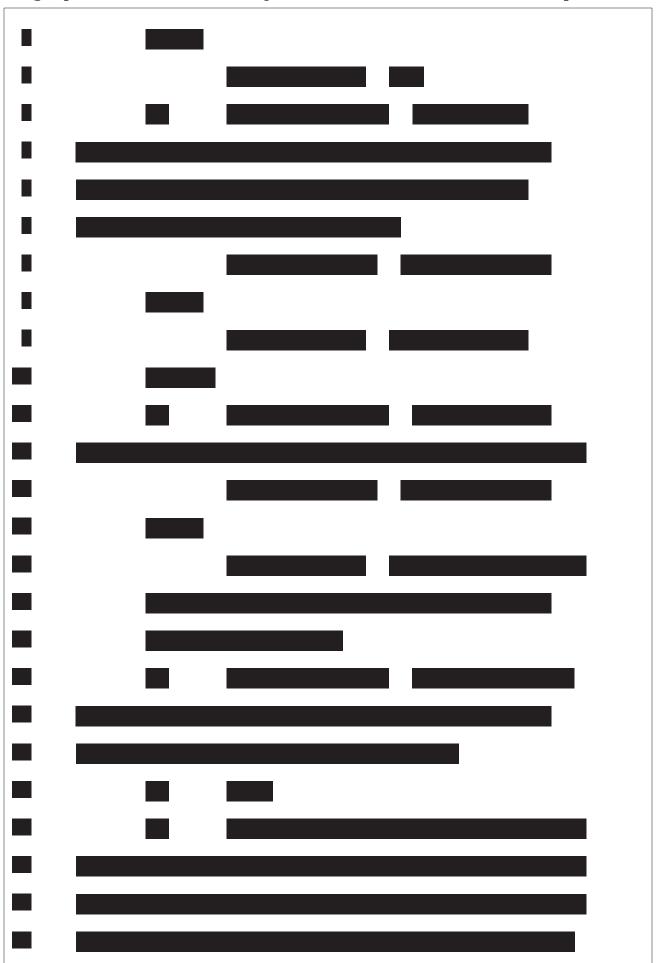


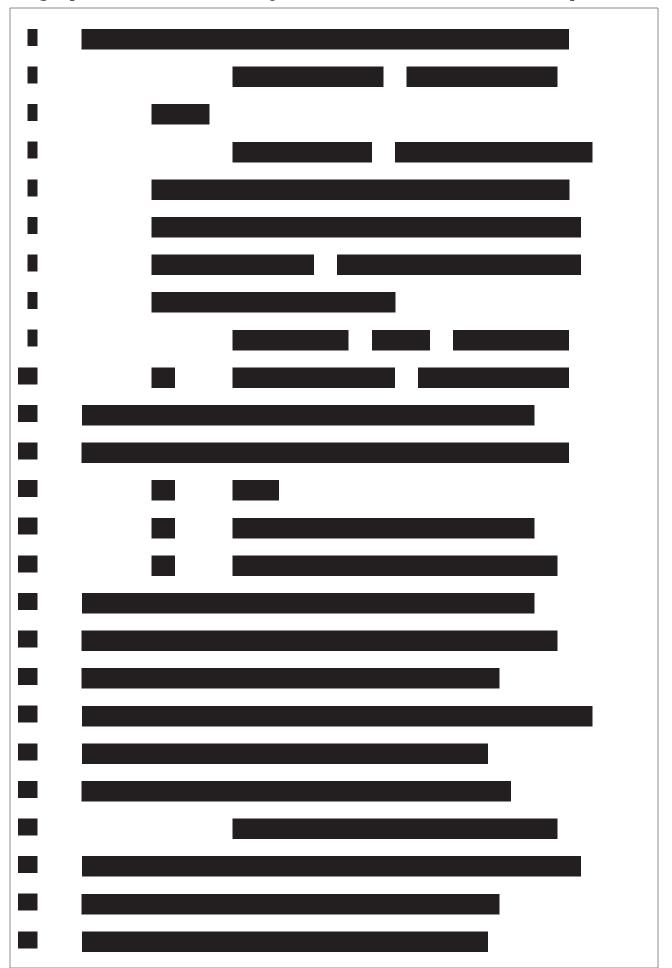


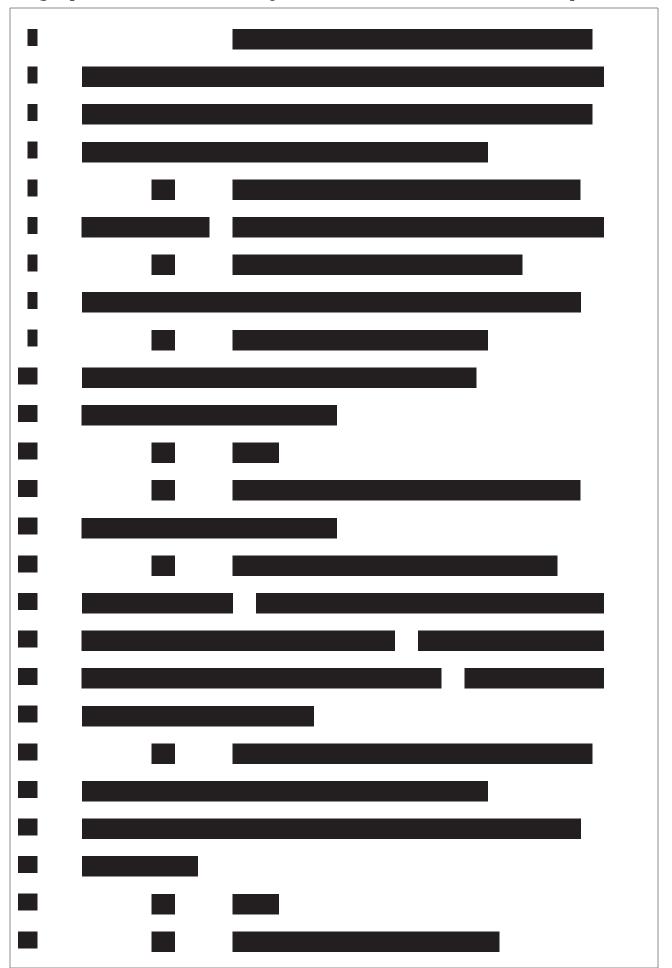


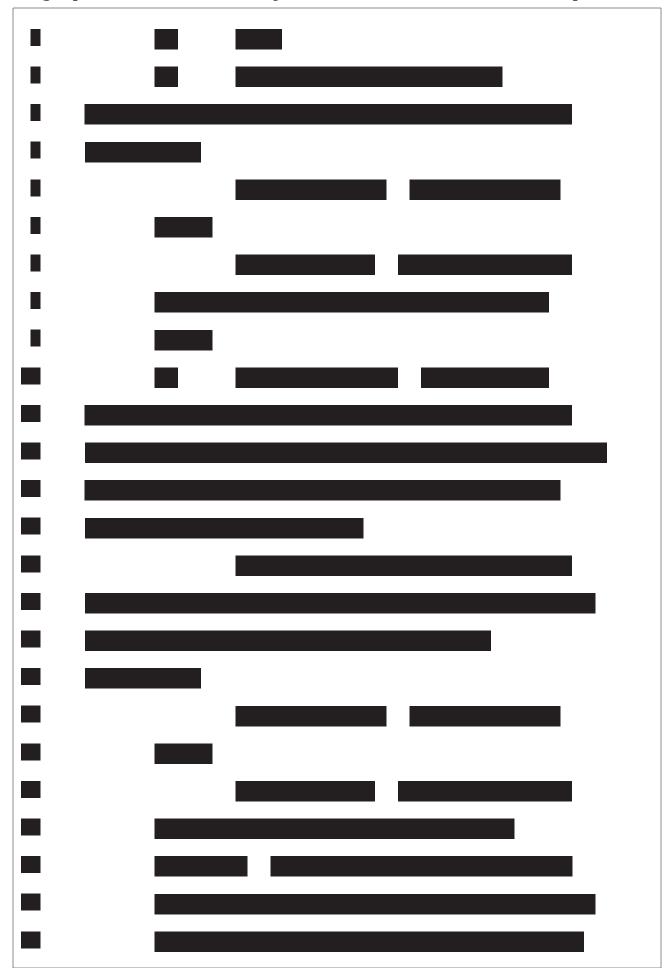




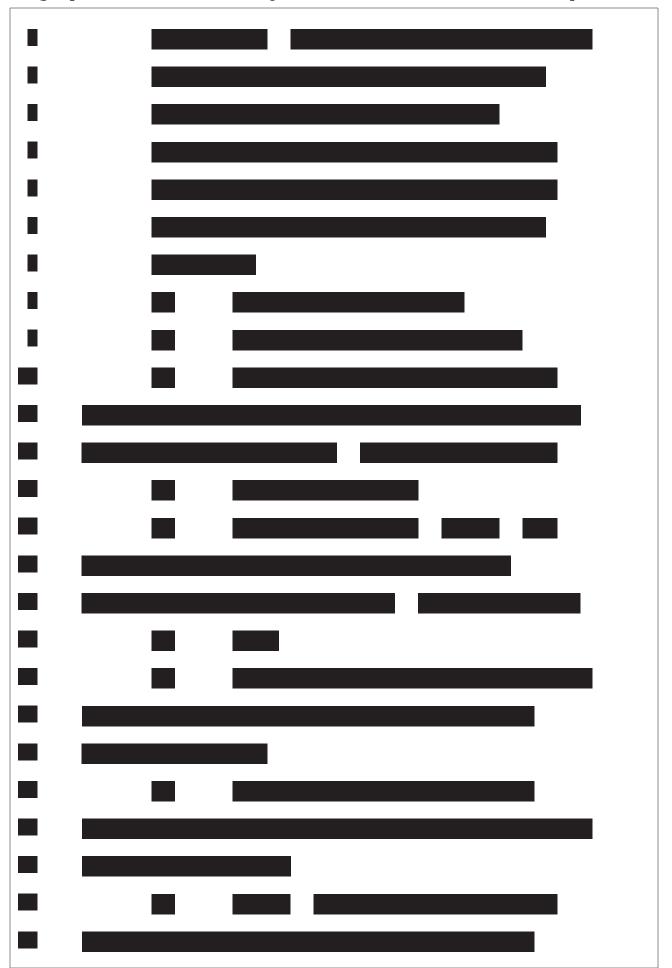


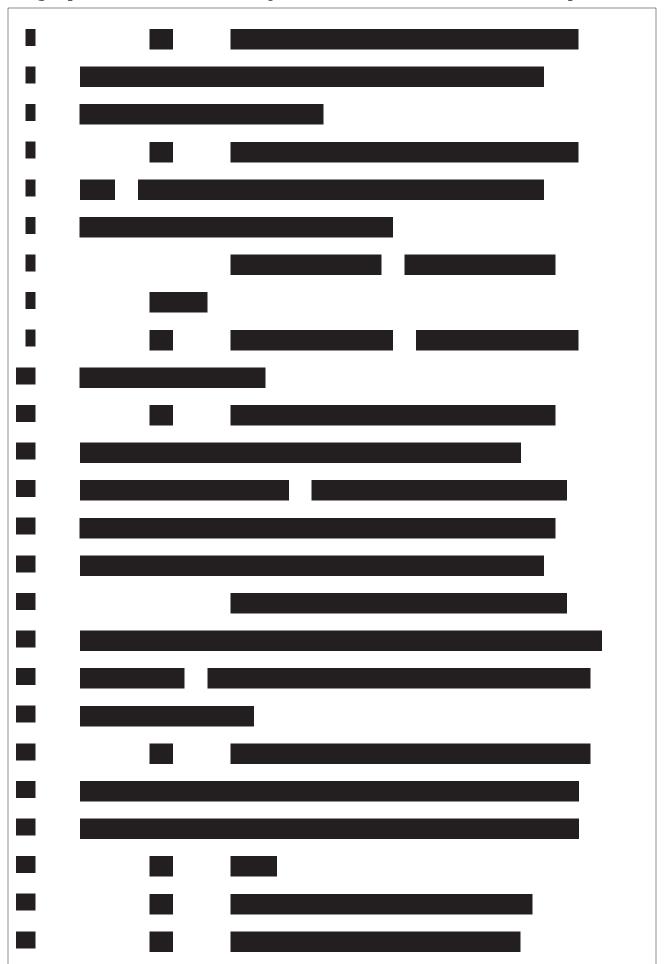


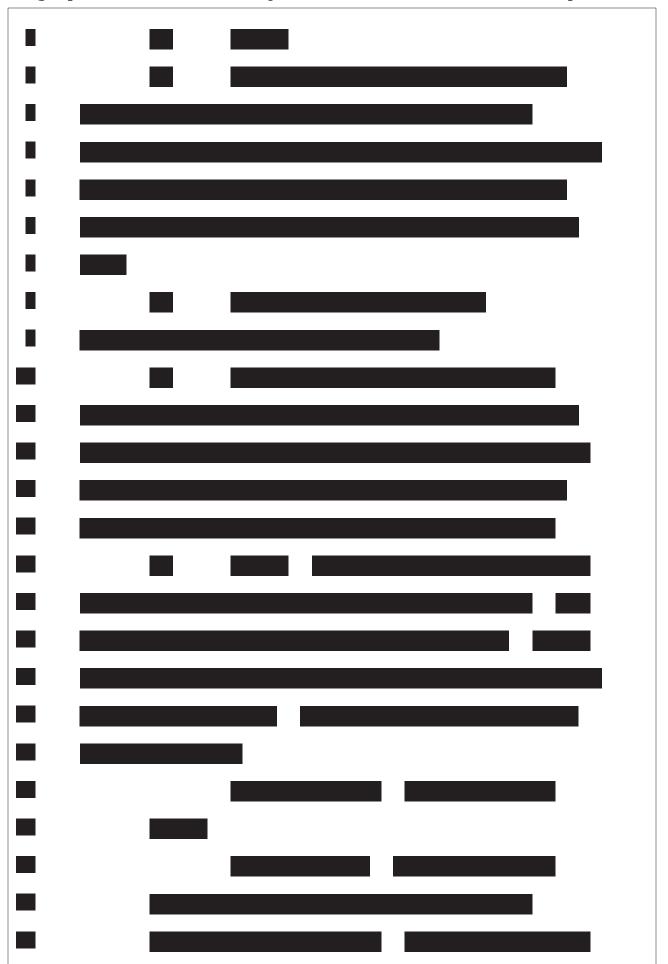


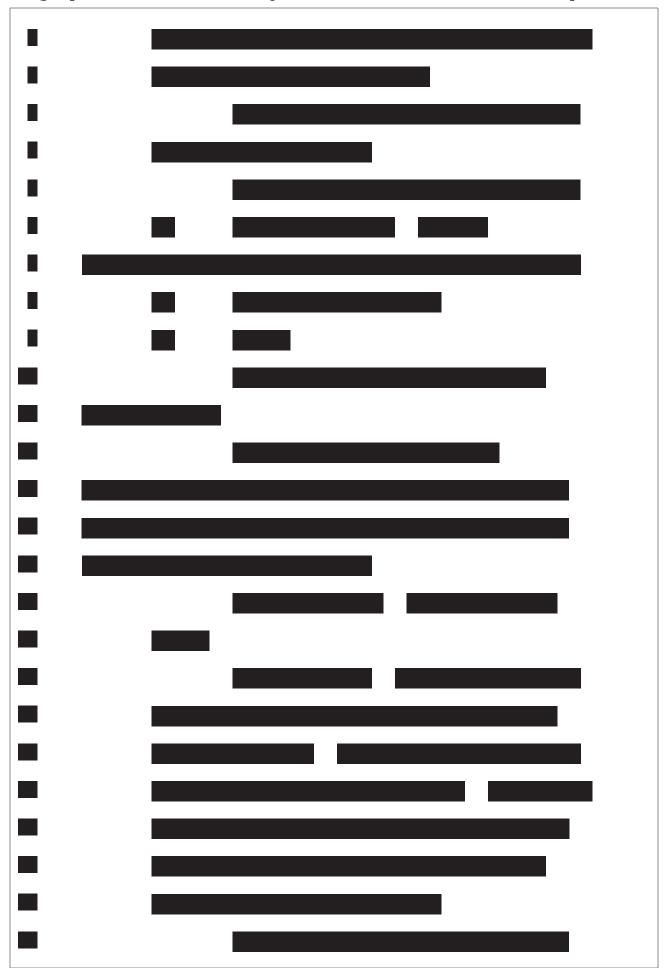


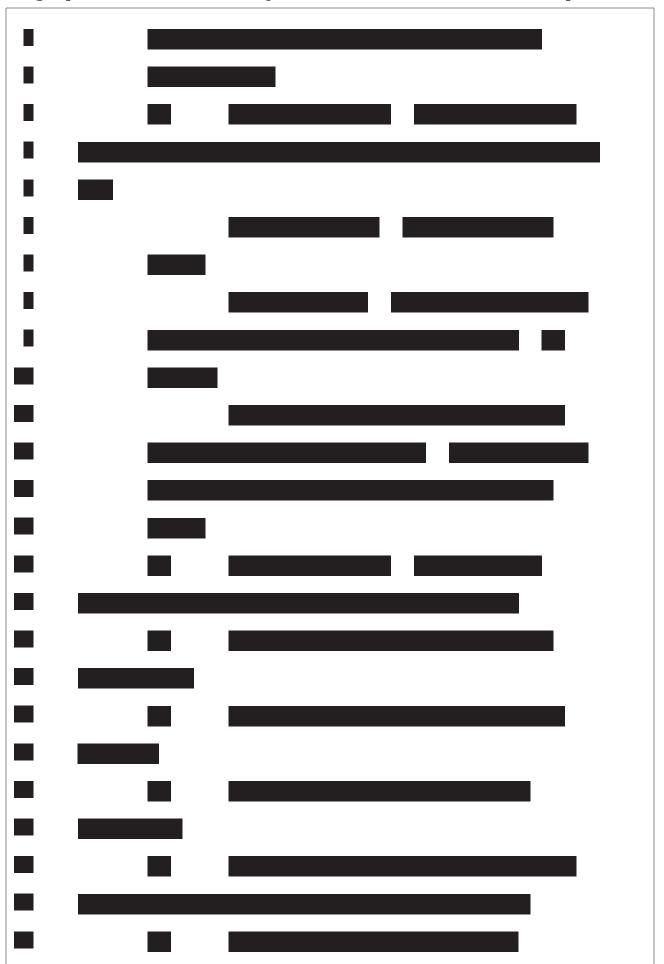




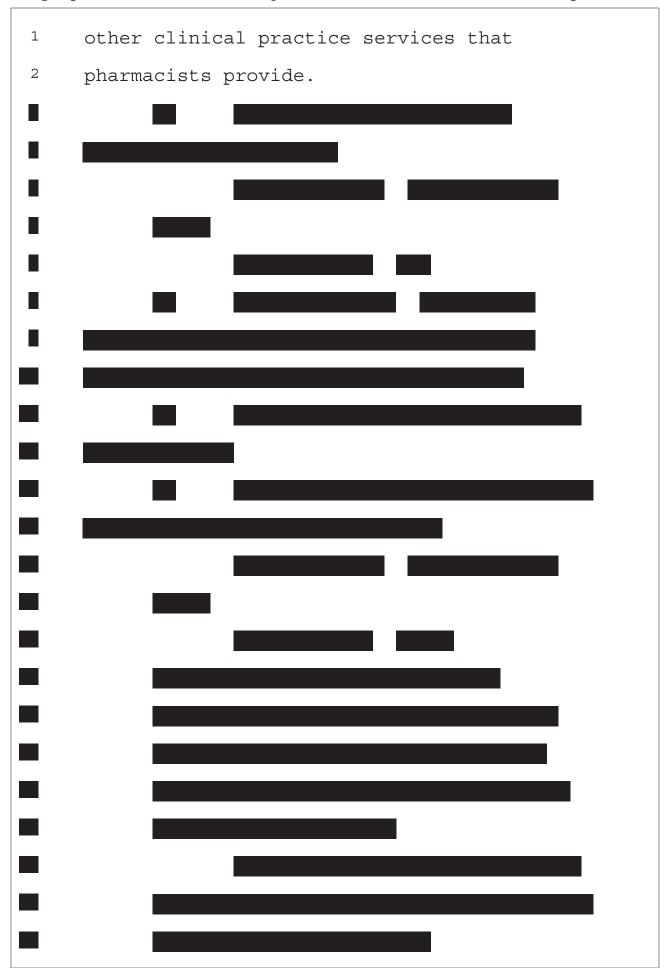


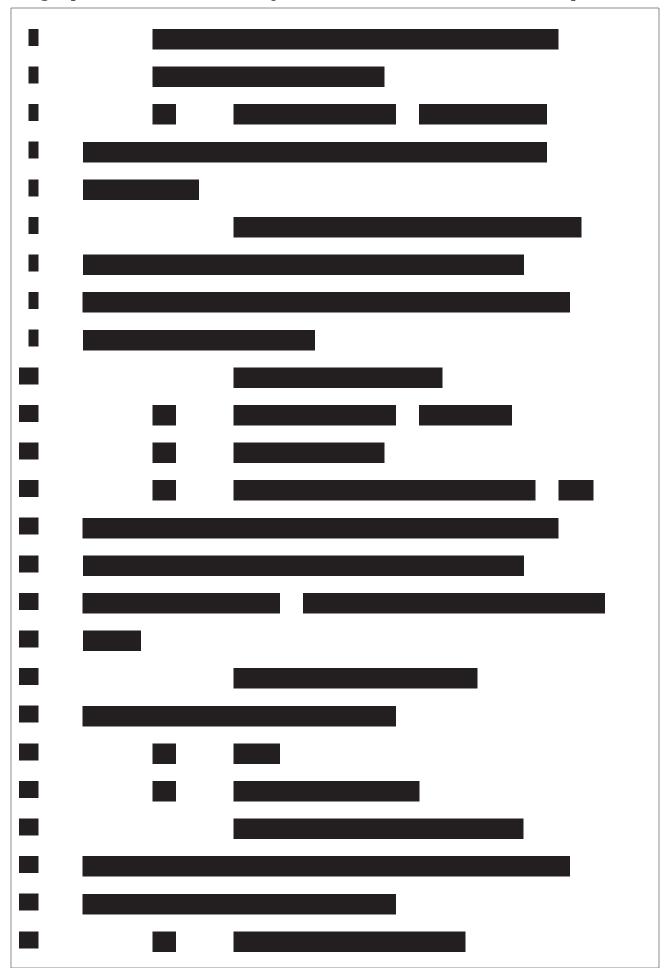


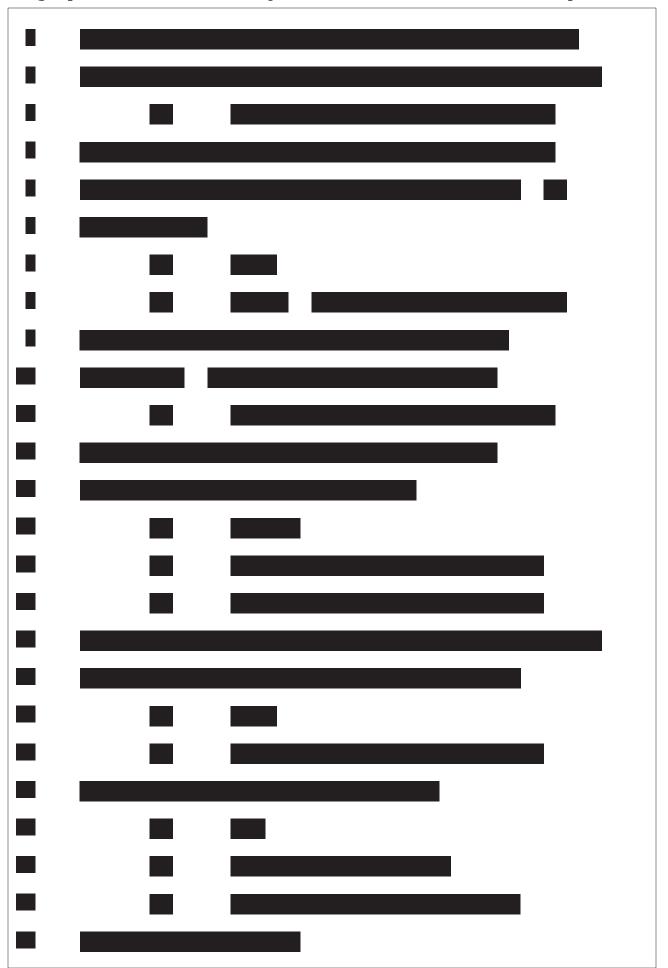


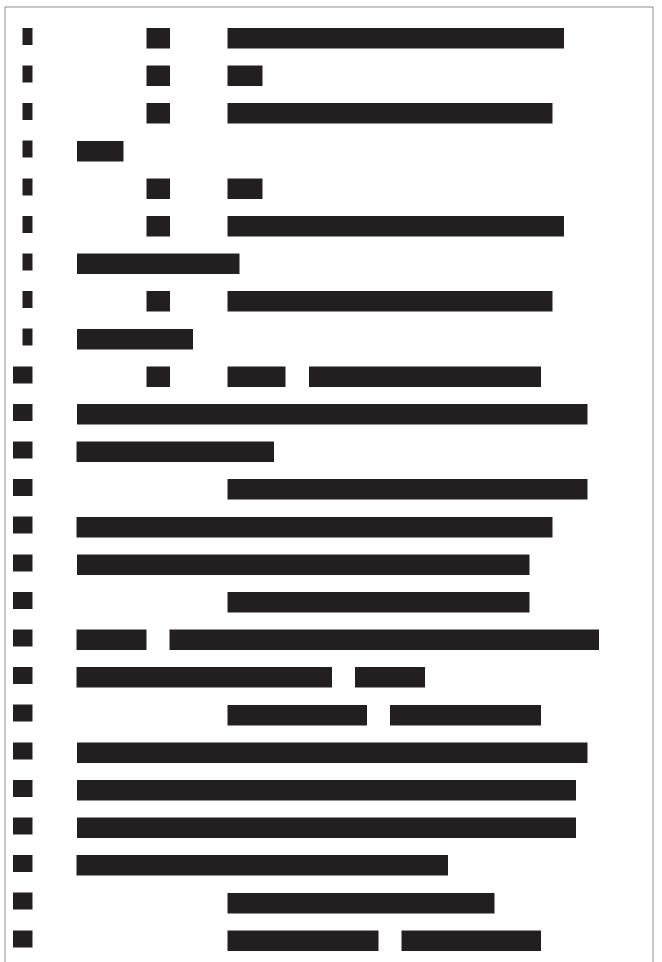


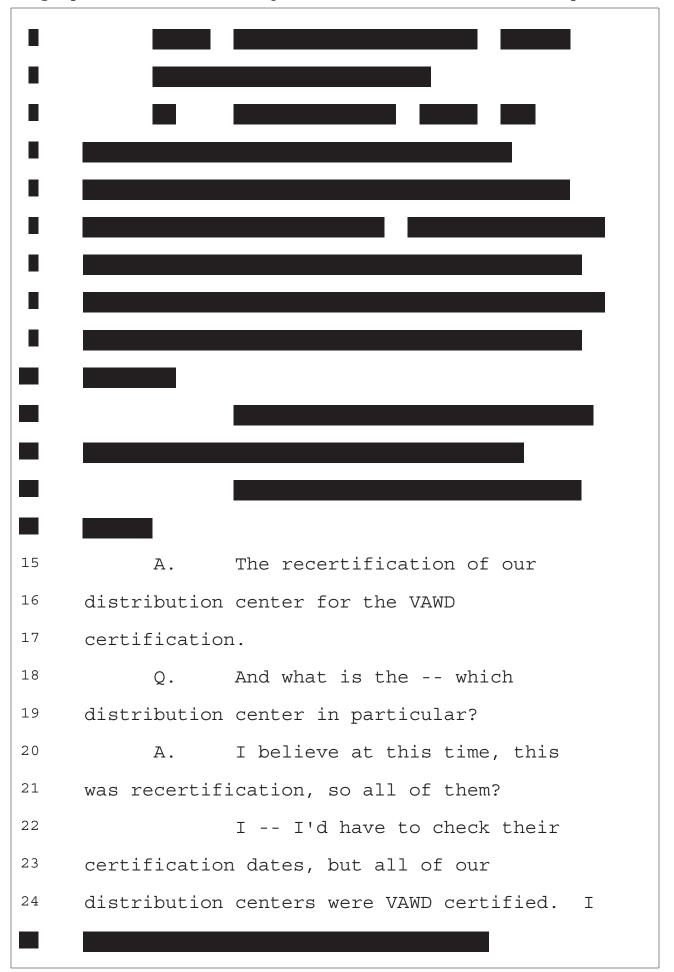
```
3
            Ο.
                   What was the next role you took
     on after 2012?
 4
 5
            Α.
                   So from 2012 to present, my
 6
     role has evolved slightly in title.
 7
                   I pick -- after 20 -- so around
     the time of 2015, I picked up clinical
 8
 9
     services. So I think my title in or around
10
     2015 was quality improvement in clinical
11
     services, senior director.
12
                   And at that time, I no longer
13
     had the training function or professional --
14
     or the optical professional relations
     function.
15
16
                   But otherwise, your function
17
     was the same?
18
                   From a quality improvement it
19
     was the same. And then I took on
20
     responsibility for pharmacy clinical
21
     services.
22
                   And what did that entail?
            Ο.
23
            Α.
                   Developing and executing our
     immunization program, as well as our
24
25
     medication therapy management program and
```

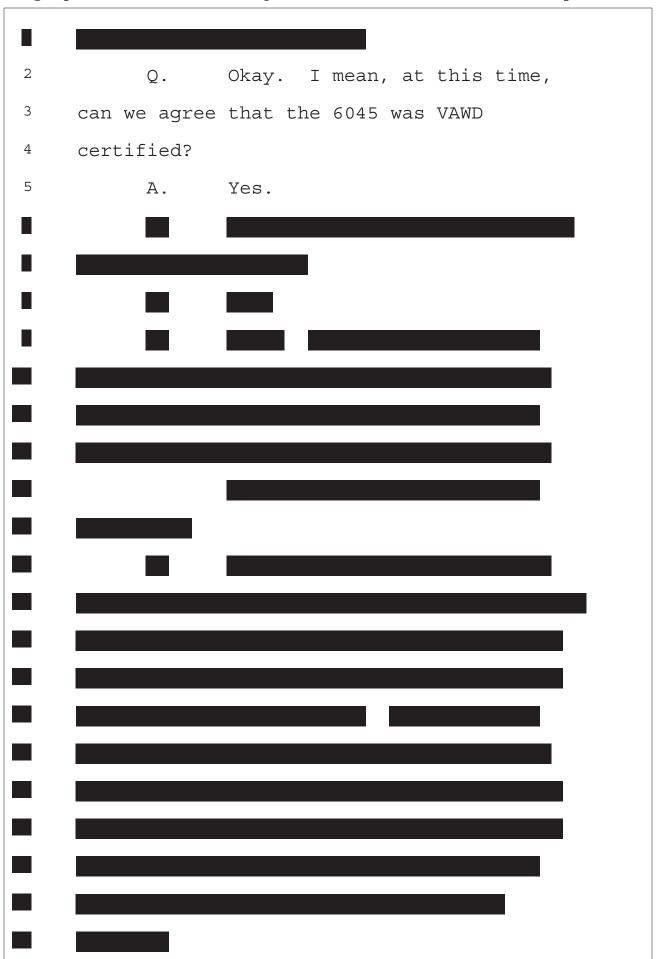




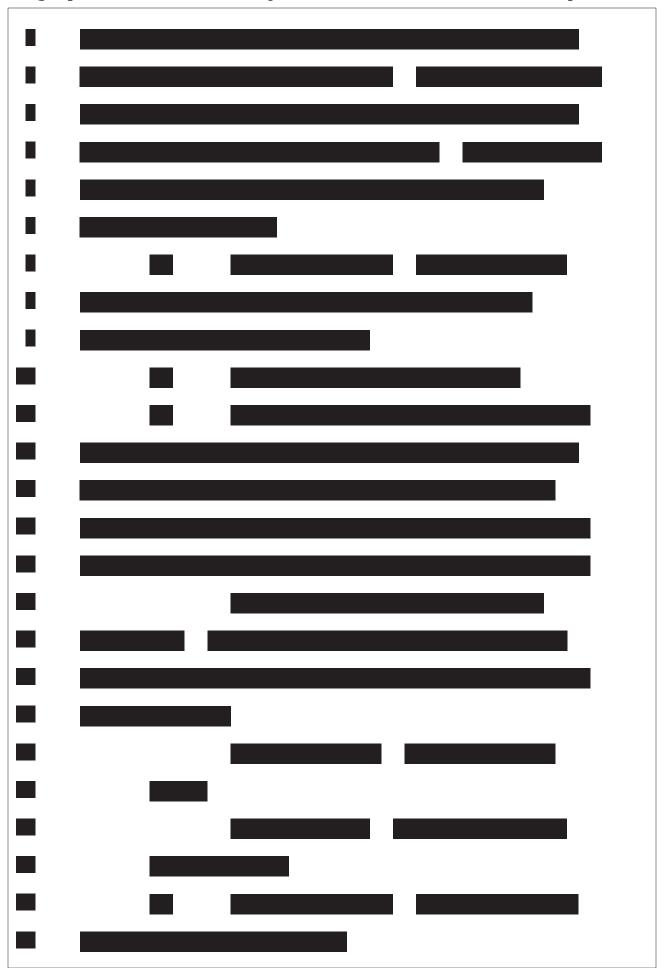




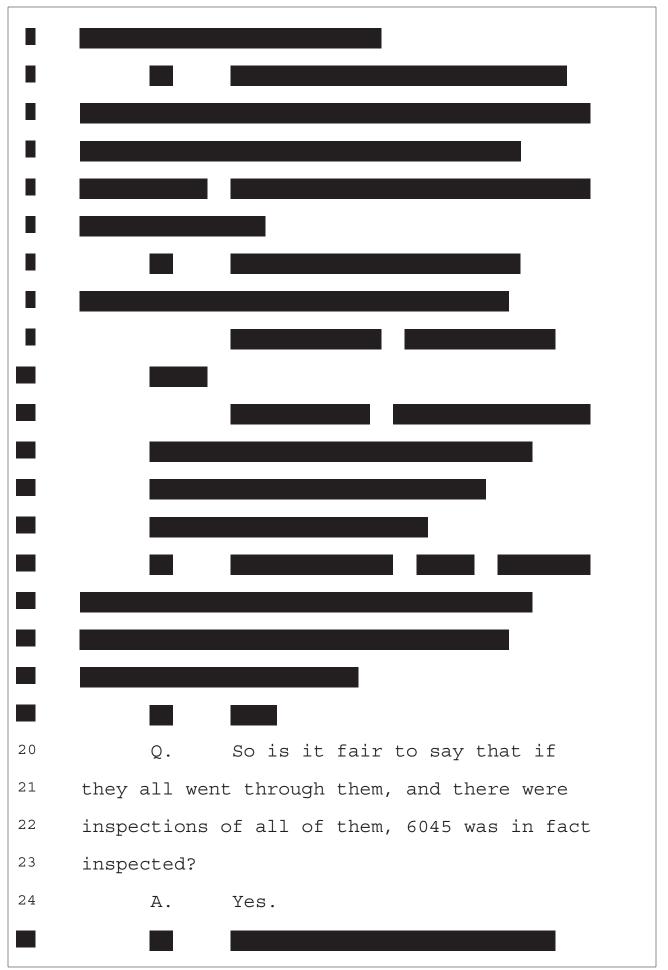


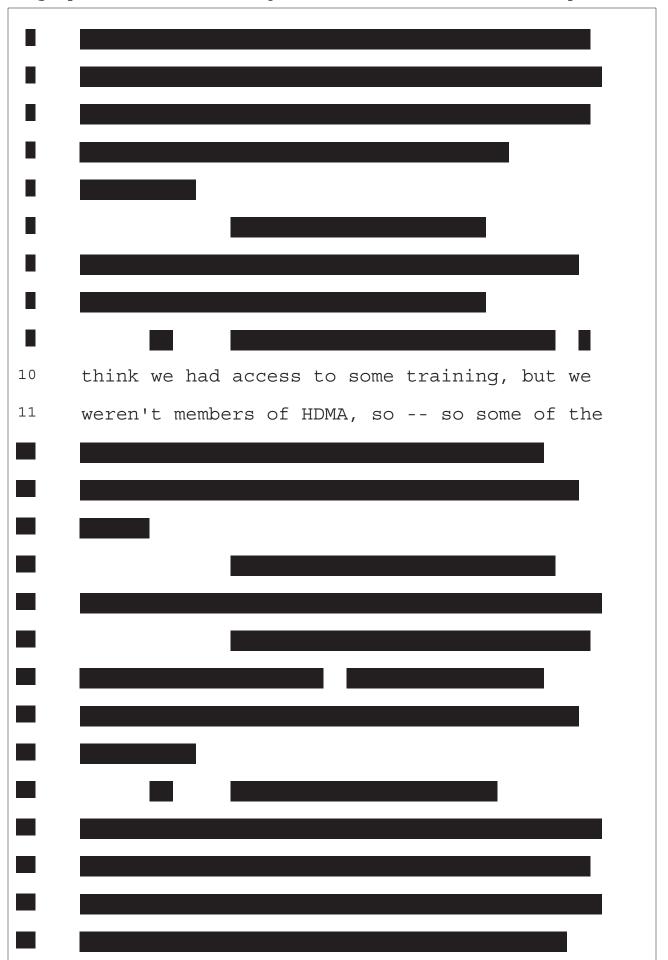


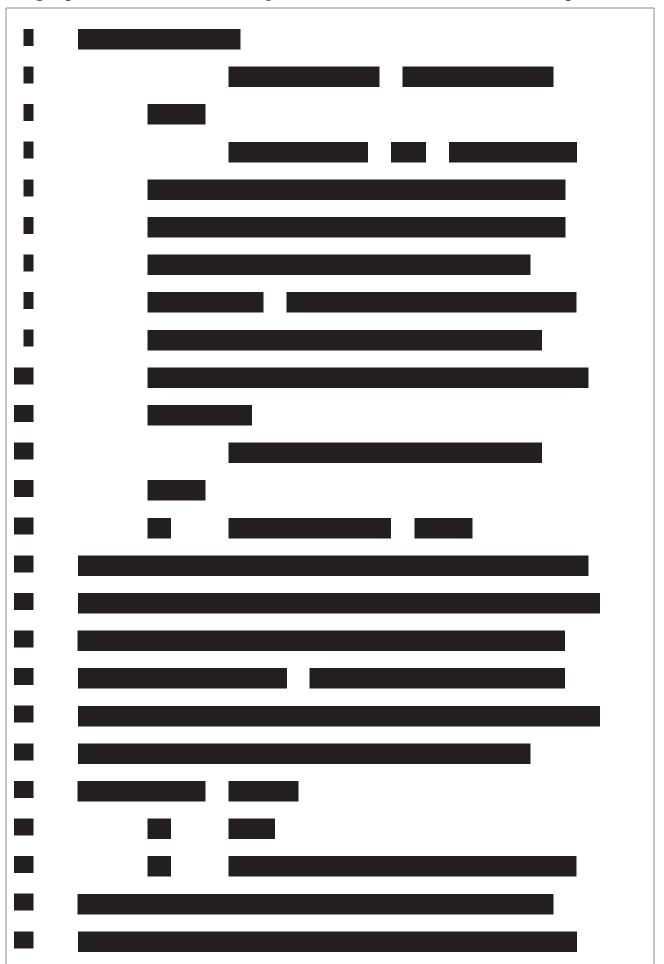






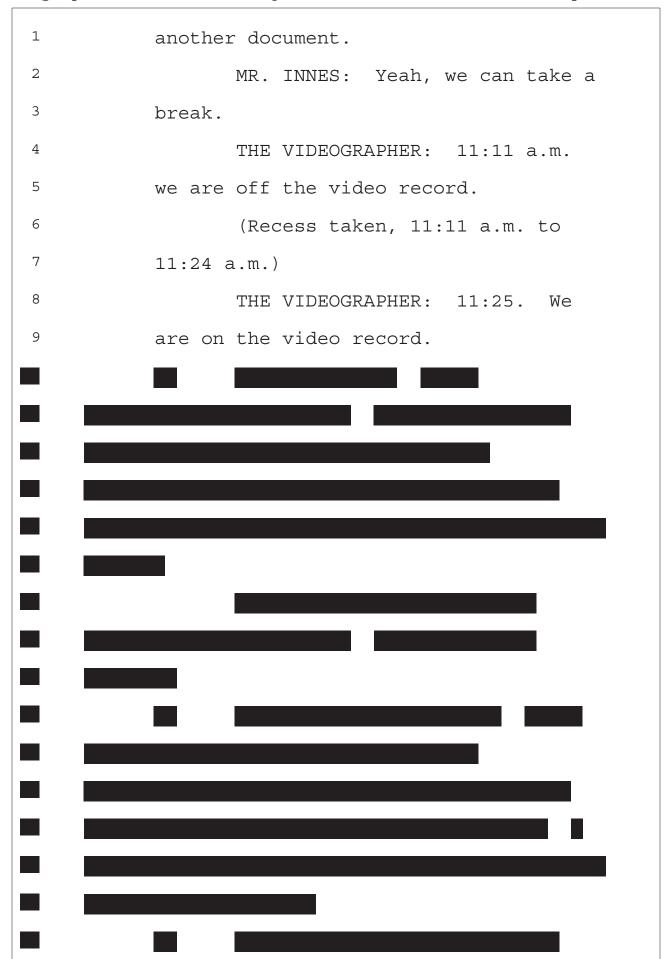


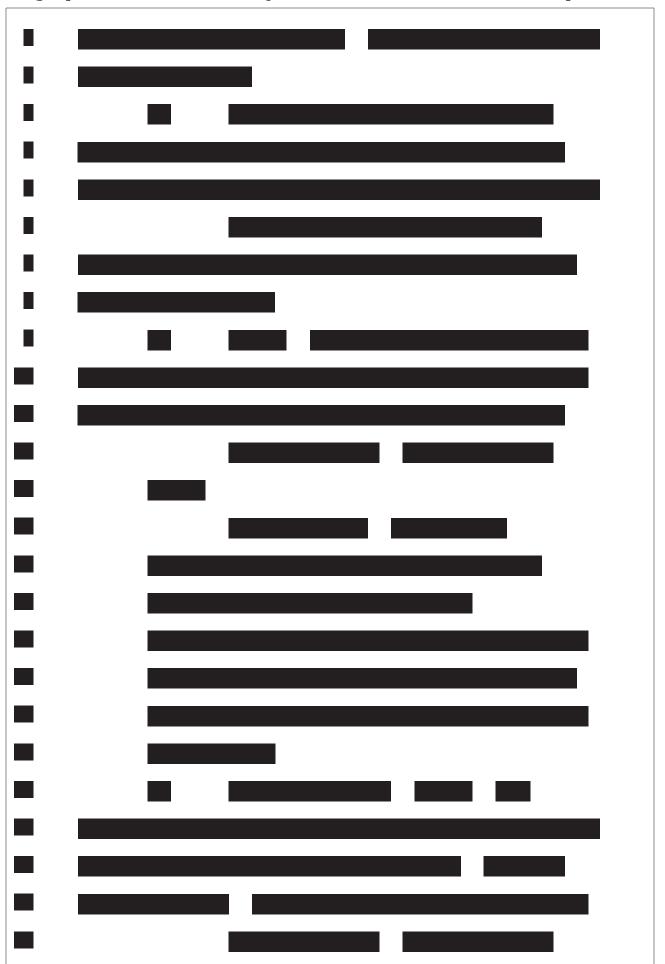


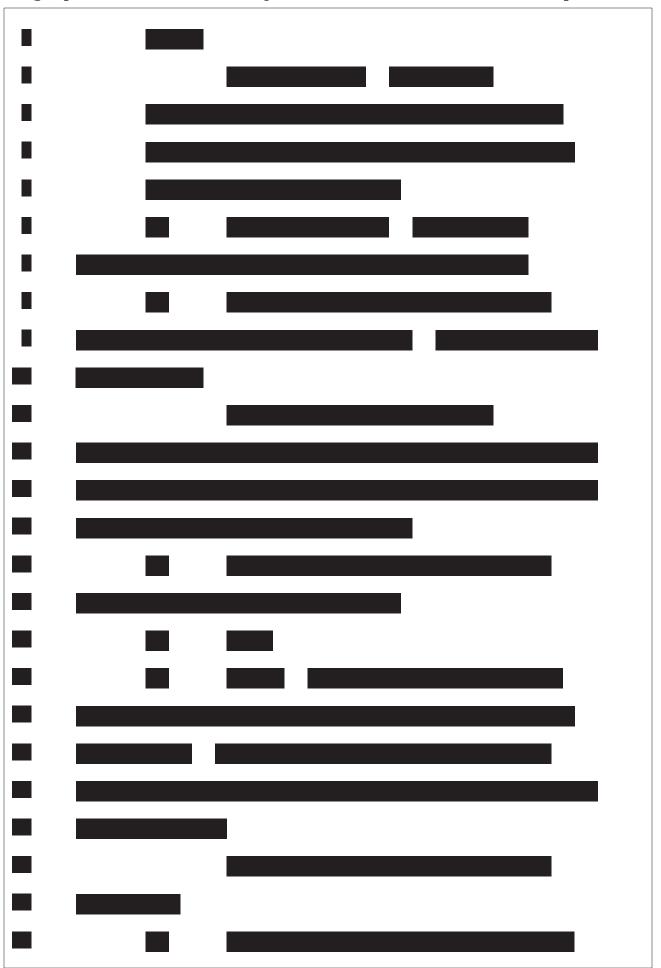


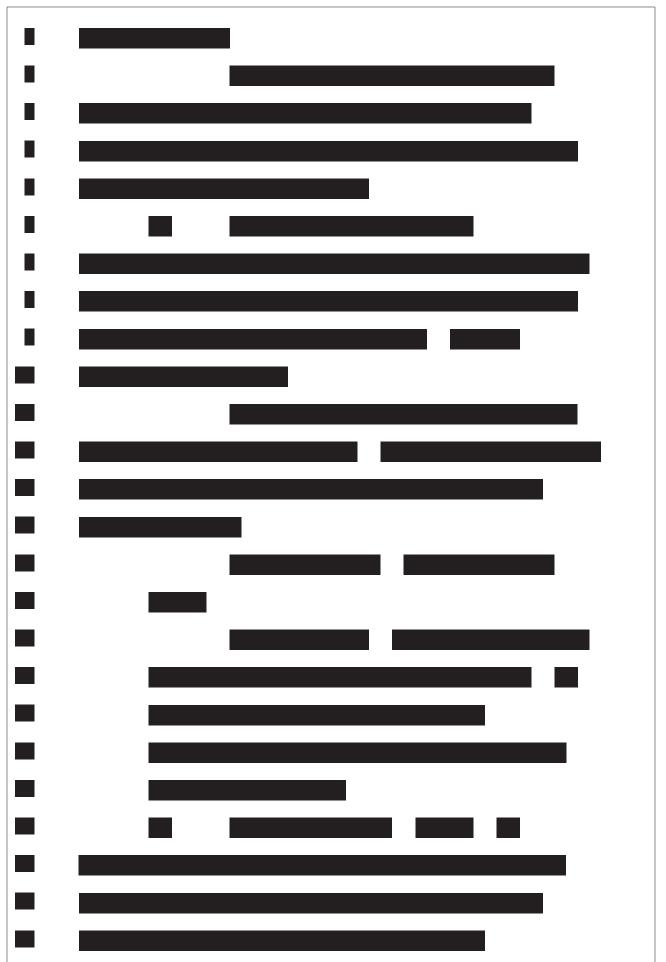
(BY MR. INNES) Did you come to learn what VAWD would consider to be 9 10 acceptable programs? 11 Α. Our pharmacy -- our 12 distribution centers were reaccredited. 13 we would have met the criteria required by 14 the VAWD certification. At no time in this 15 process were we unaccredited. The point of 16 this was to make sure that we were prepared 17 and had as much information as possible to 18 prepare for that recertification process. 19 How long did that 20 recertification process take? 21 I think in this case there Α. 22 was -- I think there were some delays as 23 we -- again, because there were additional 24 documentation requirements. I don't remember 25 specifically what those were. I think it was

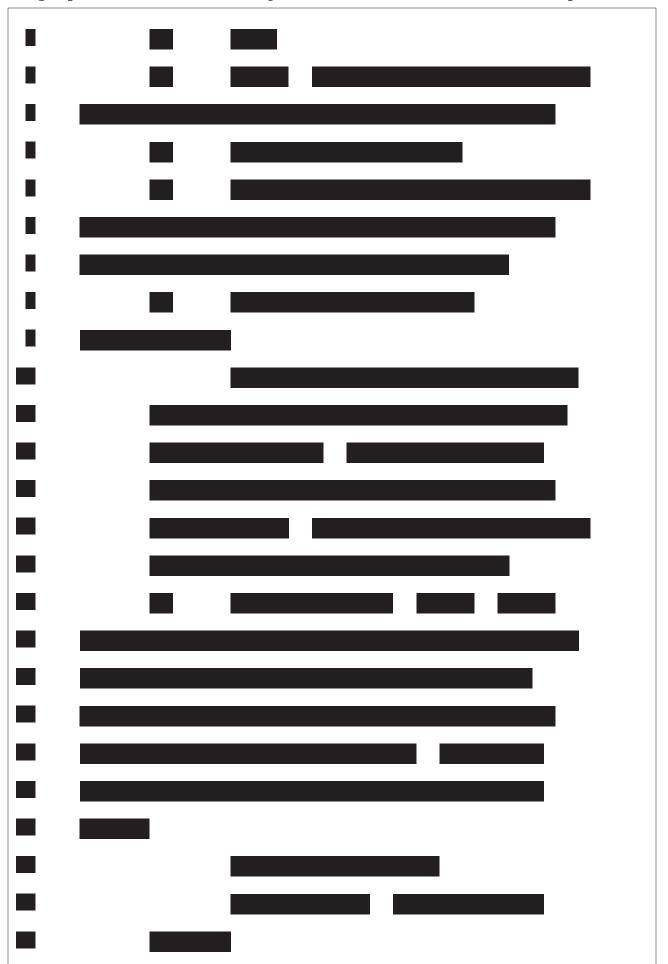
```
a longer recertification process in this time
1
2.
     frame.
3
            Ο.
                   What do you mean by
4
     "documentation requirements"?
5
                   So documenting practices in --
            Α.
6
     in a policy that could be reflected and
7
     inspected by the VAWD inspector.
8
                   Okay. So at the time of the
            Ο.
9
     reapplication process, did Walmart have its
10
     practices documented in a policy that could
11
     be reviewed by the VAWD inspector?
12
                   MS. TABACCHI: Object to the
13
            form.
14
                   THE WITNESS: As I recall,
15
            there were -- there were written
16
            policies memorialized around practices
17
            that we had in place in this time
18
            frame as a result -- to meet those
19
            recertification -- those new
20
            recertification requirements.
21
                   MS. TABACCHI: Mike, before you
22
            get to another document, can we take
23
            another quick break?
24
                   I just don't want to get -- I
25
            want to catch you before you start
```

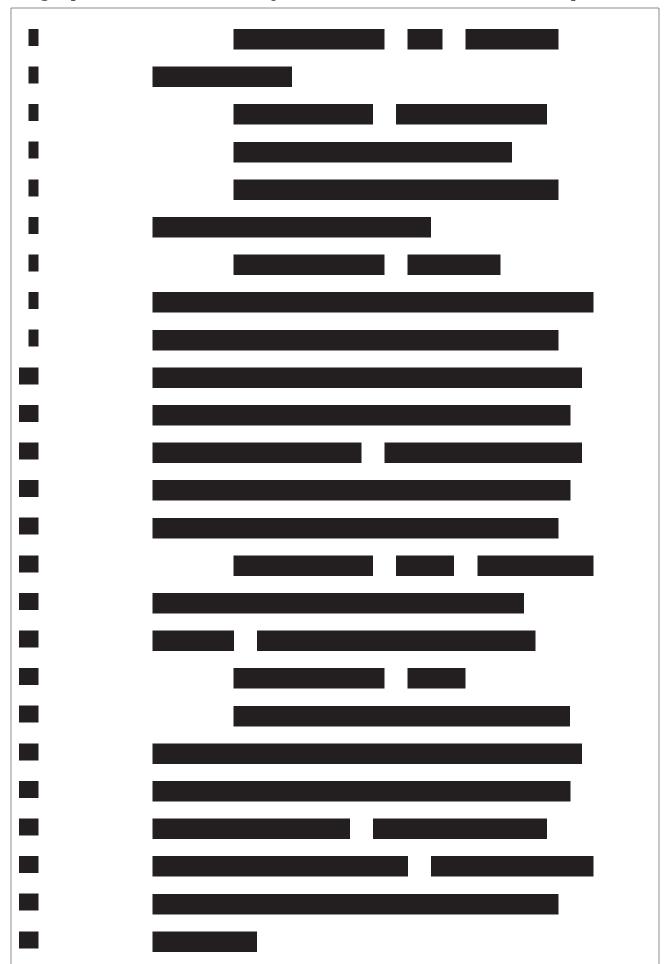


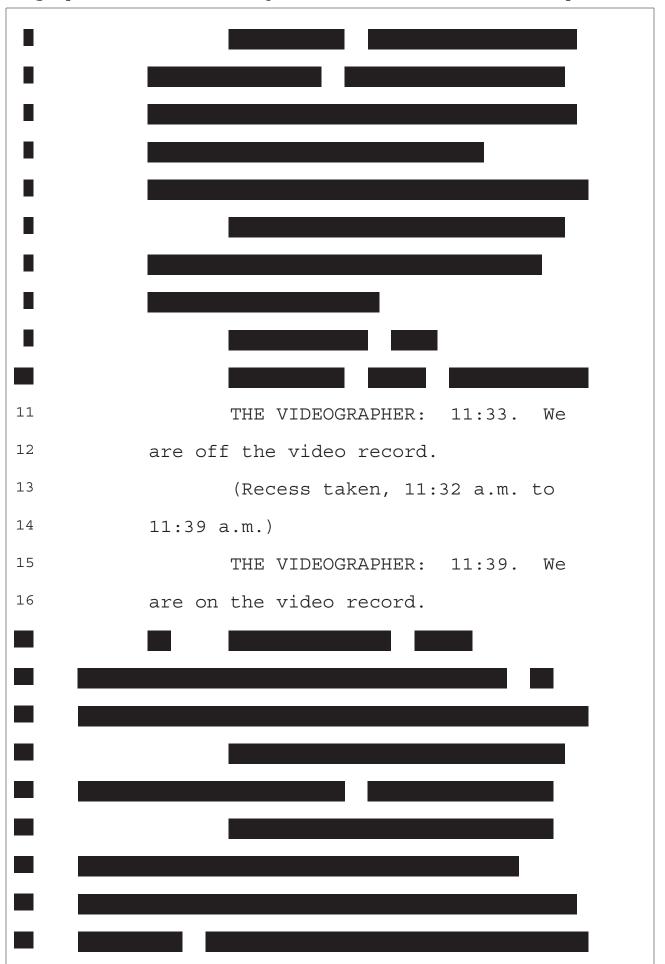


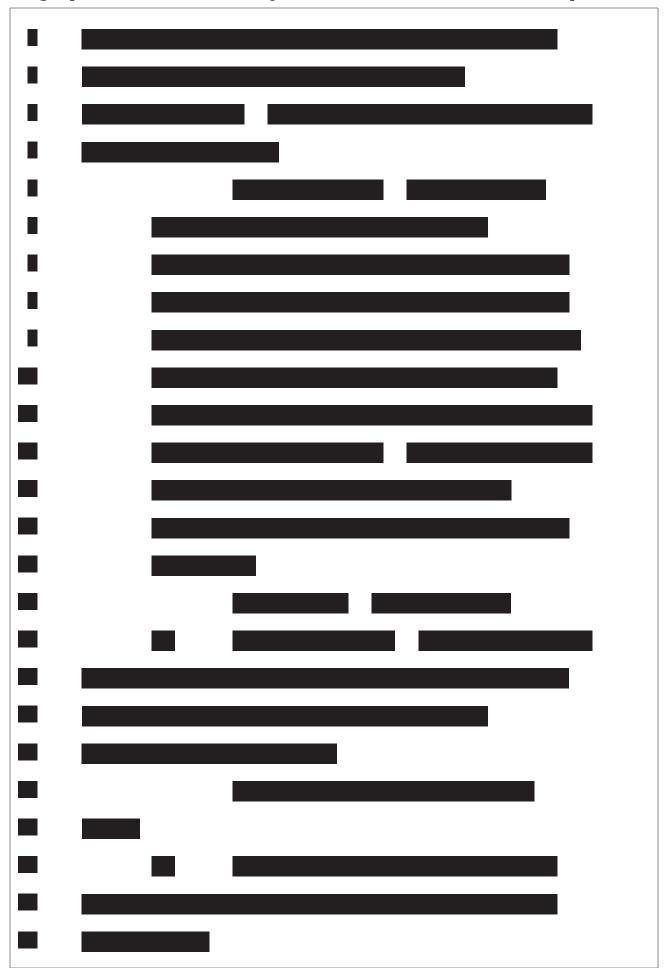


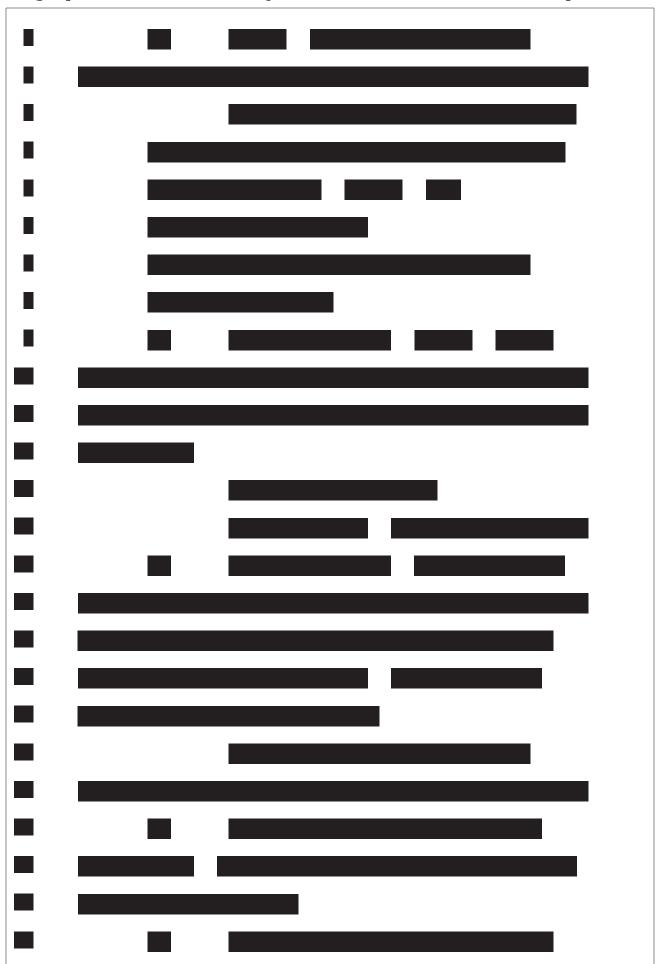


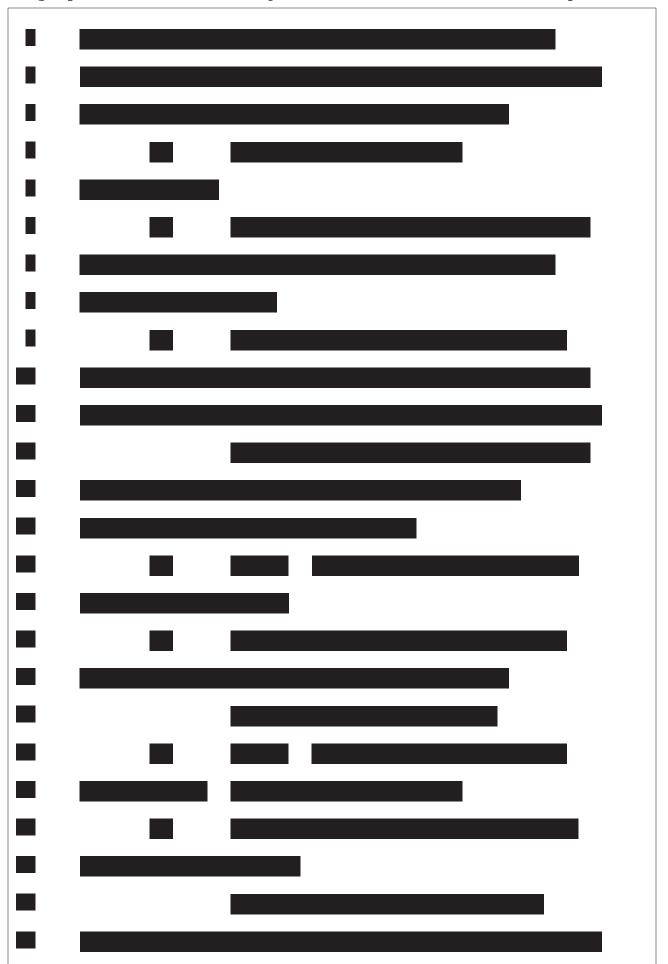


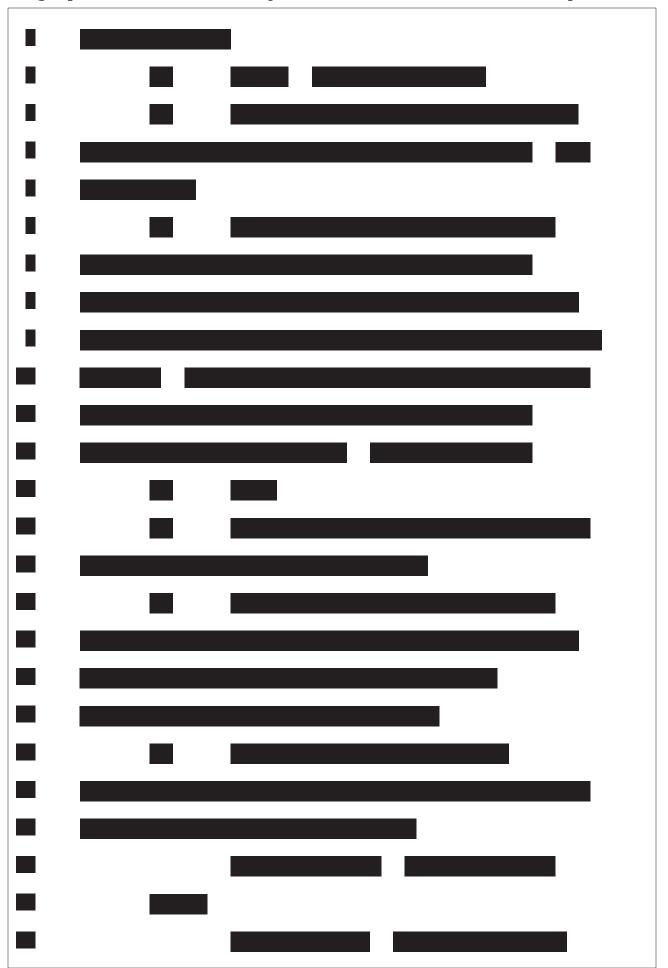


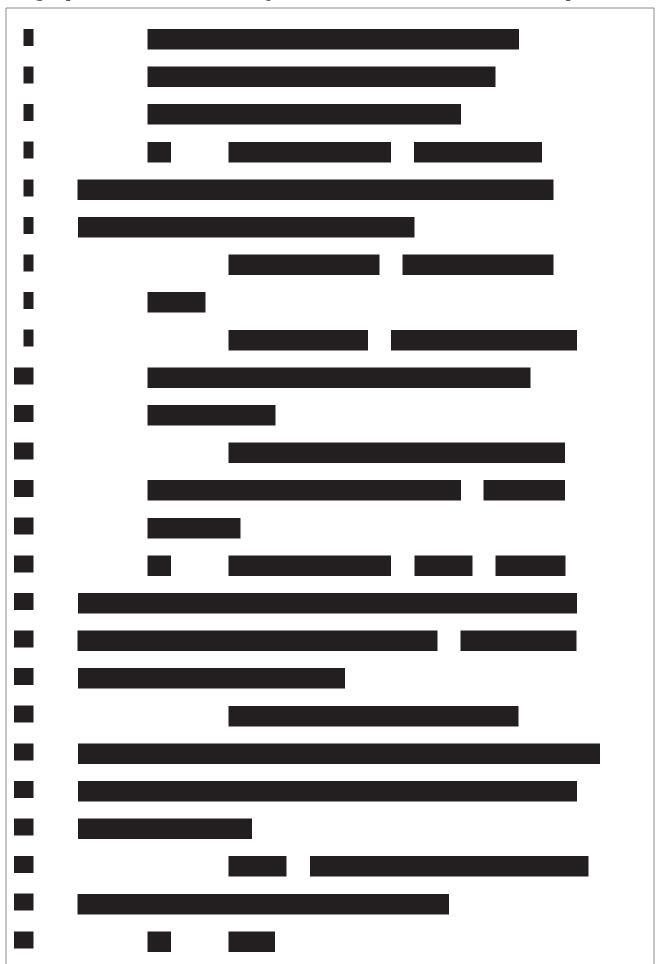


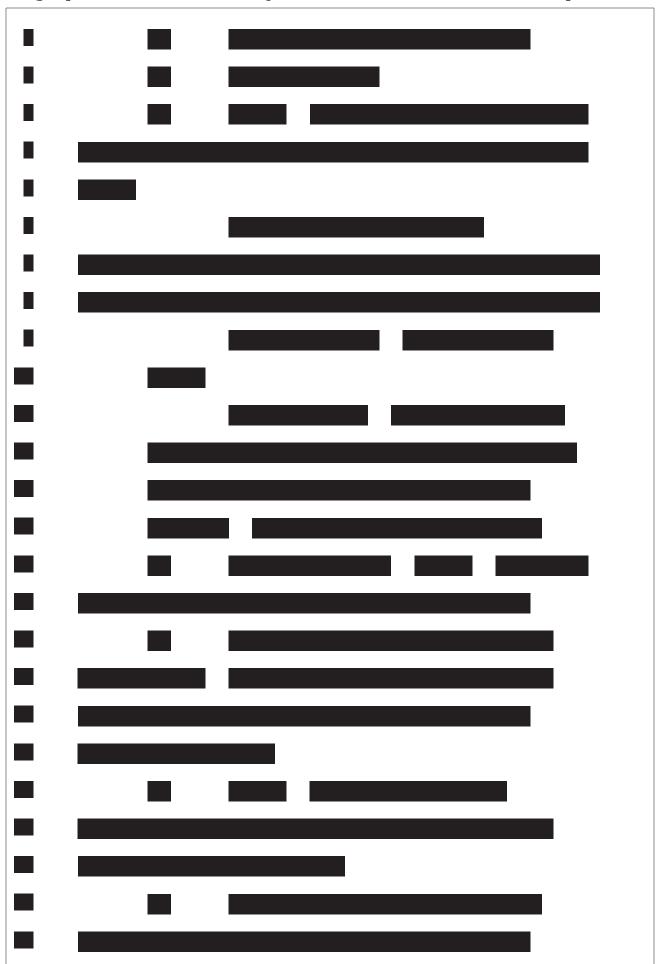




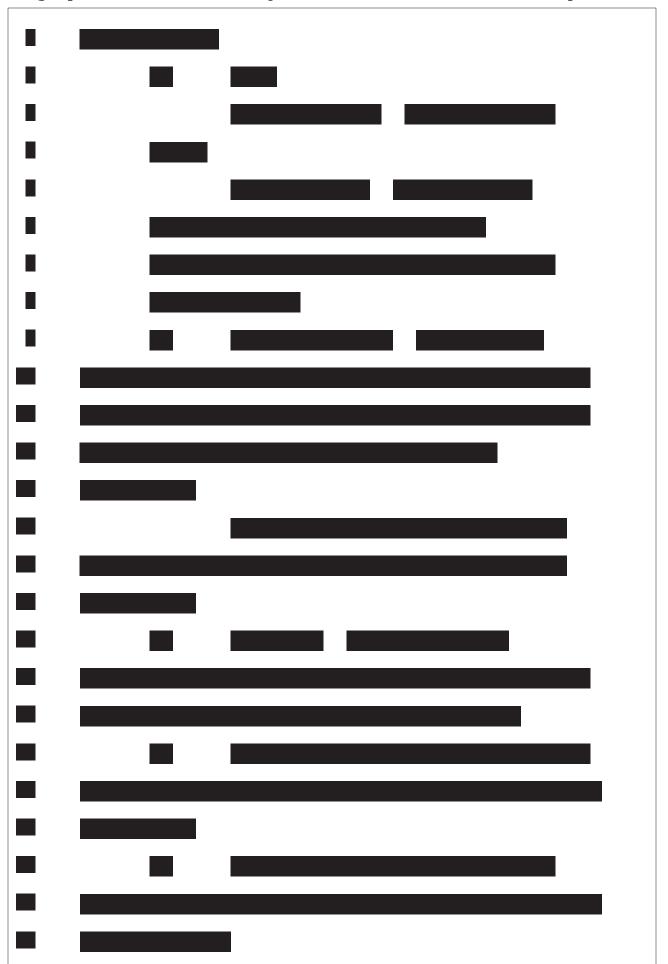


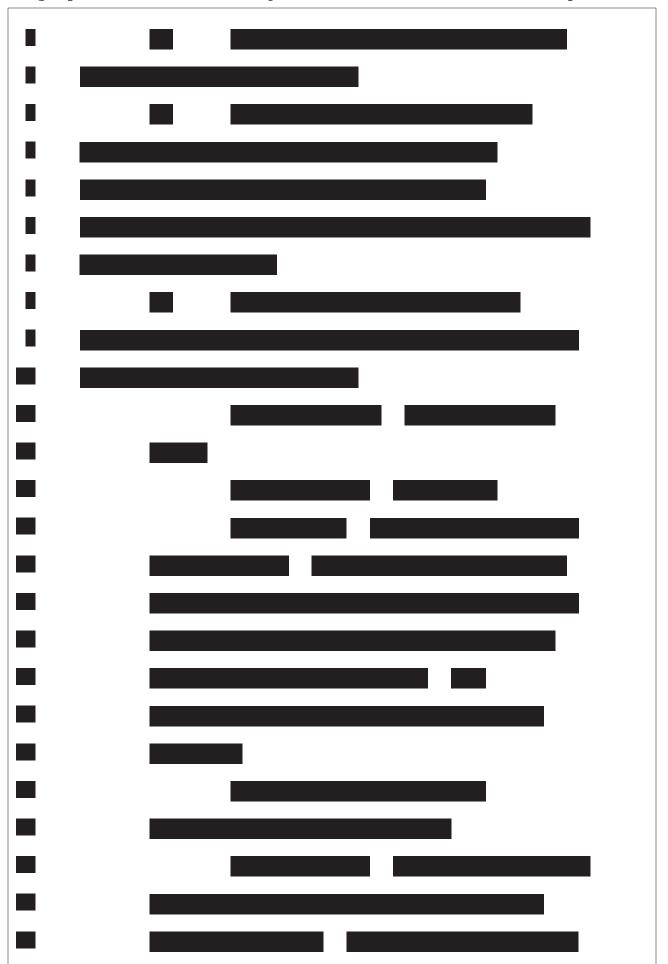


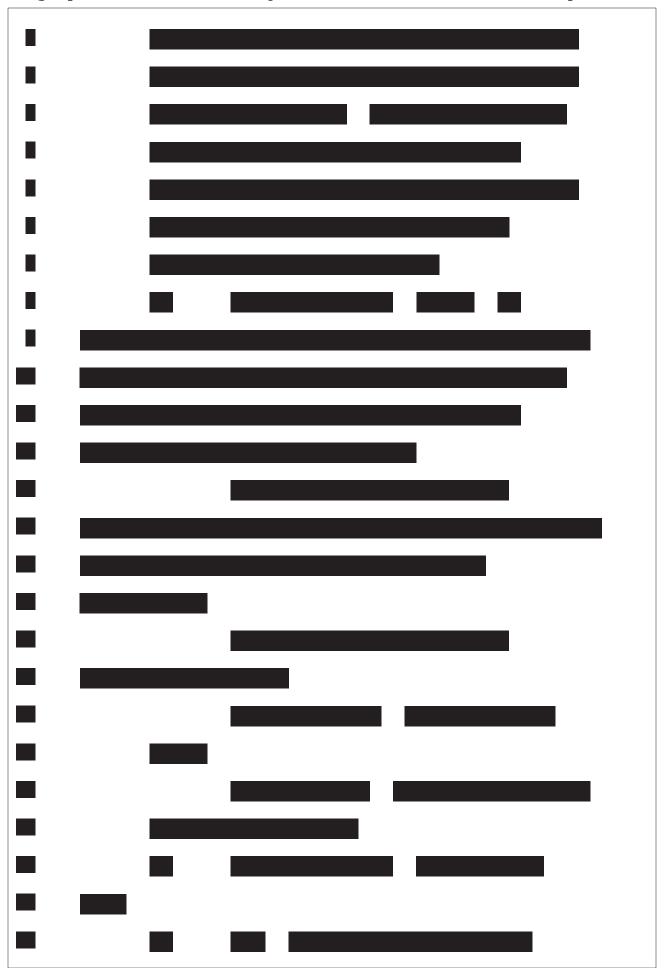


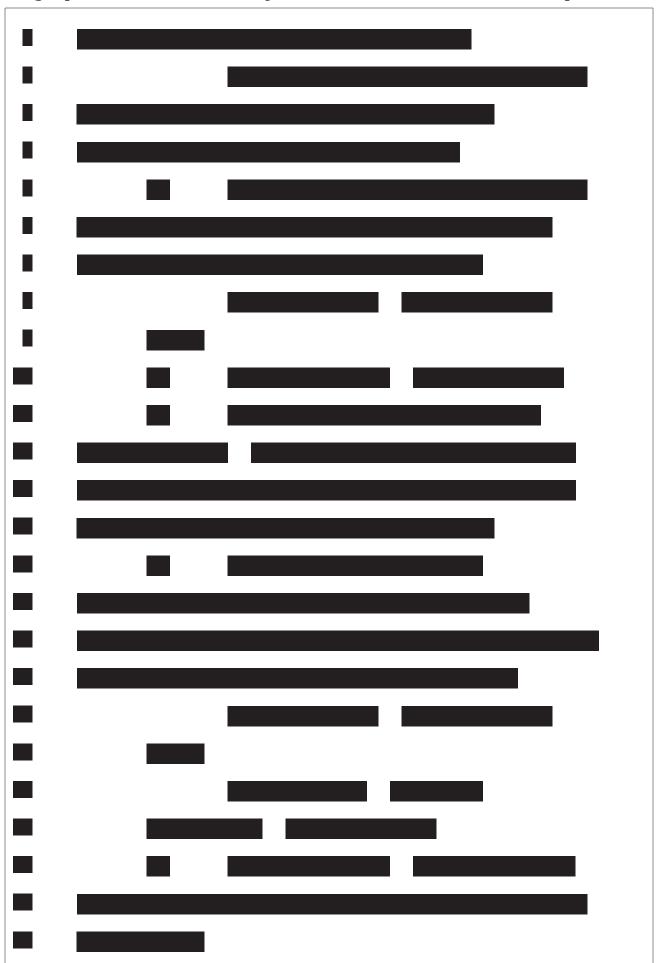




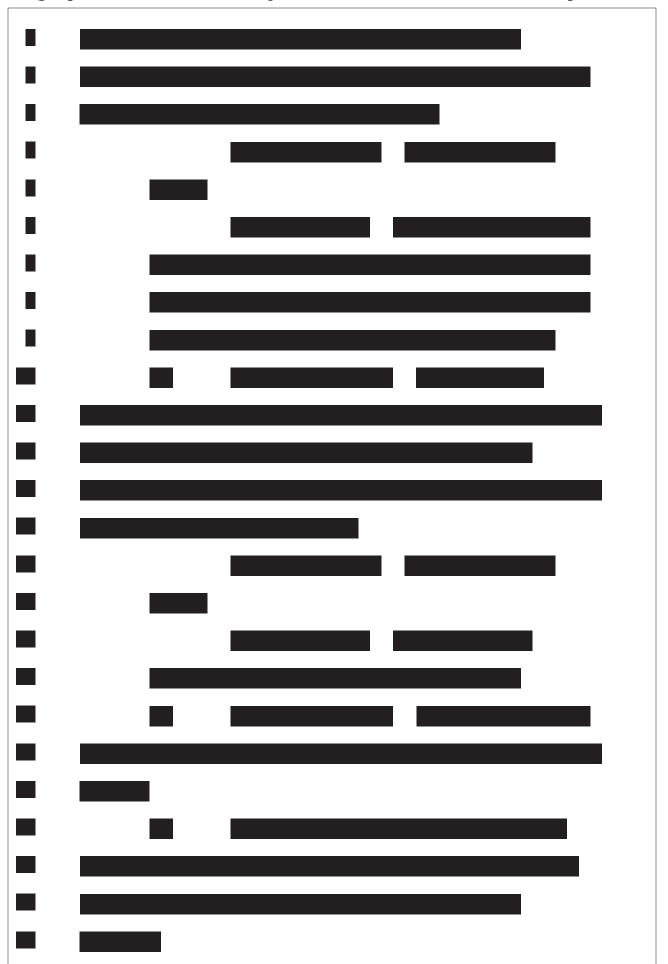


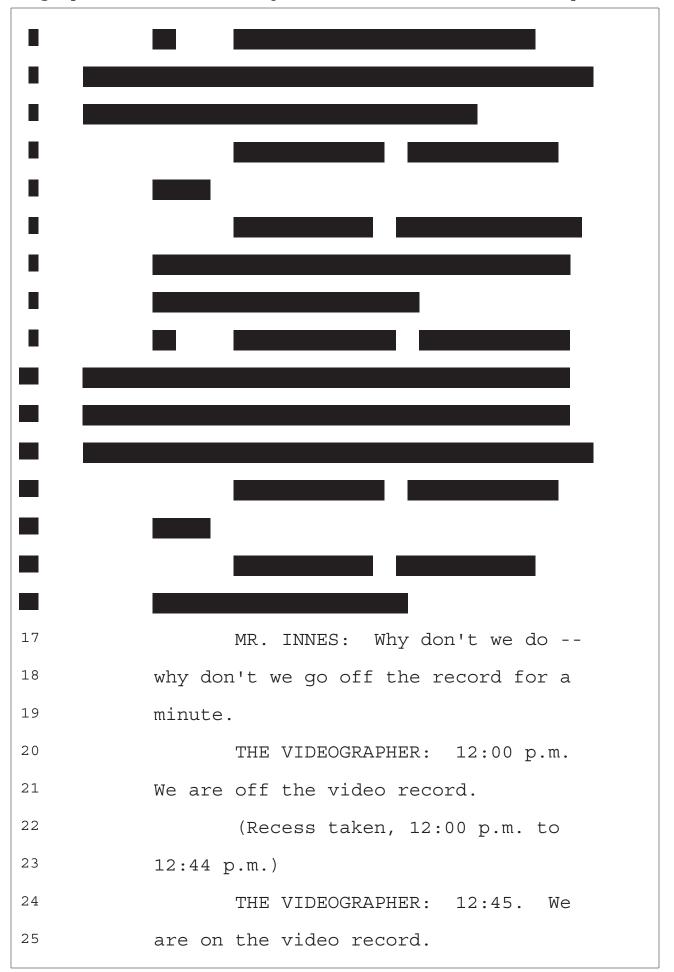


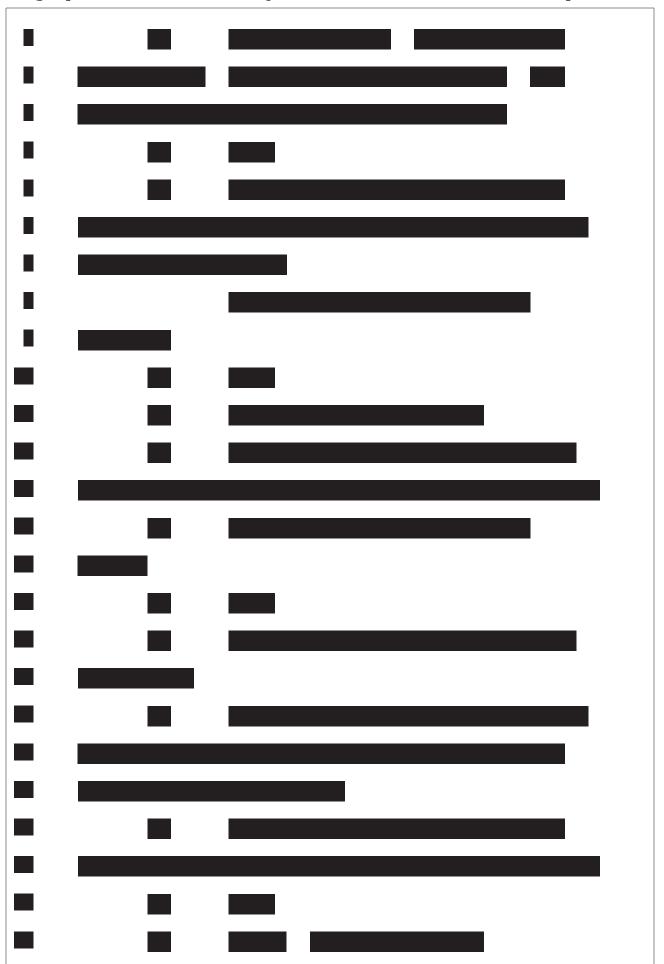


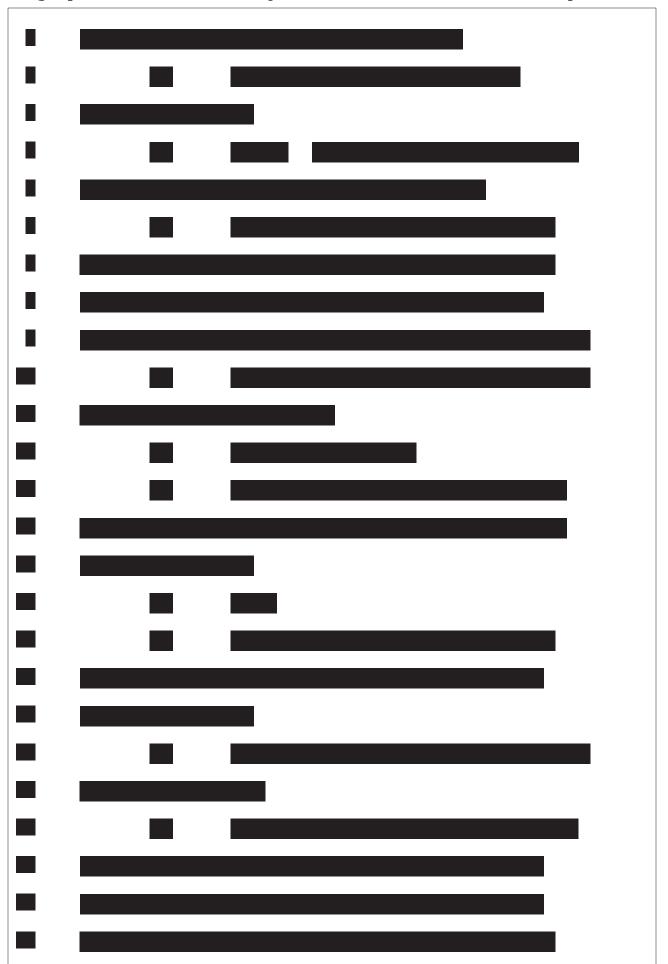


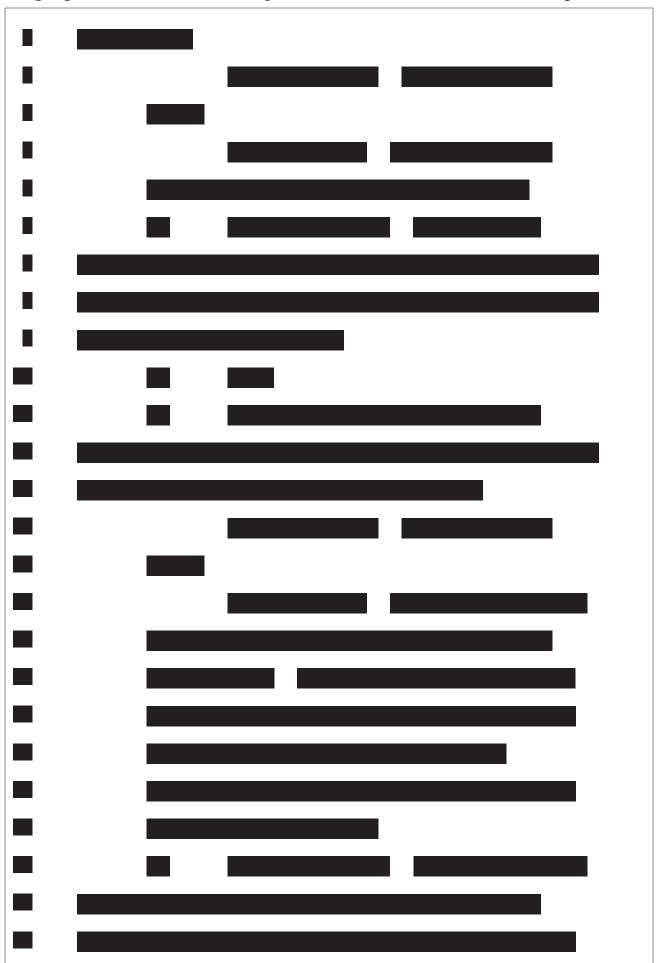
11 And why, at that time, did 12 Walmart decide that it needed additional 13 monitoring of oxycodone 30s? 14 We had received information Α. from a DEA agent that oxycodone 30 was on 15 16 their radar to be -- I mean, just to kind of 17 simplify. 18 That they had heightened concerns about oxycodone 30. During that 19 20 meeting they indicated that Walmart was not a 21 focus of the concerns that they had, but we 22 wanted to proactively establish additional 23 due diligence to ensure that we didn't become part of the DEA's concern around oxy 30. 24

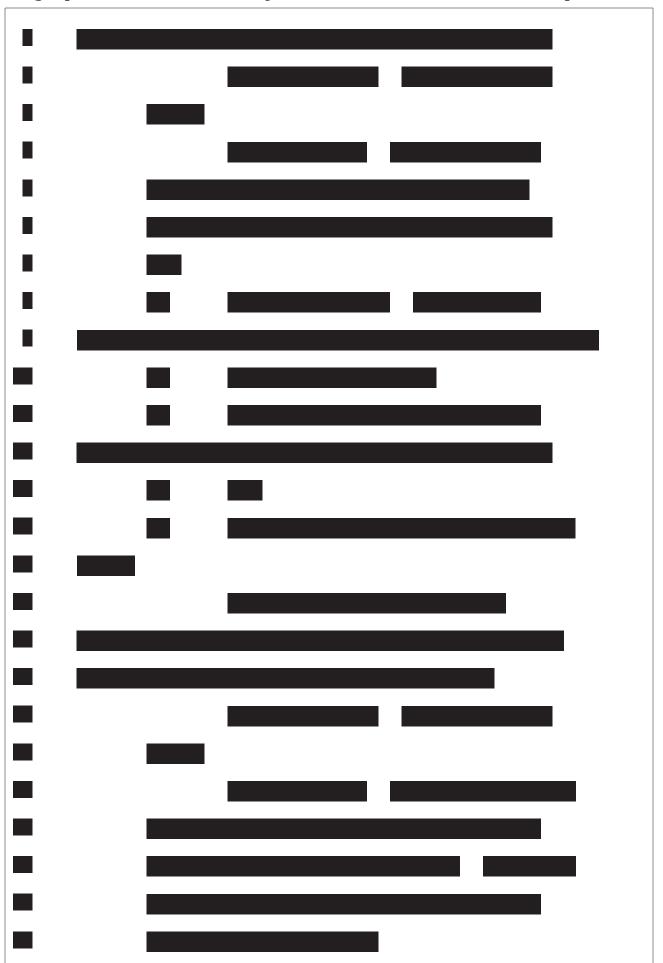


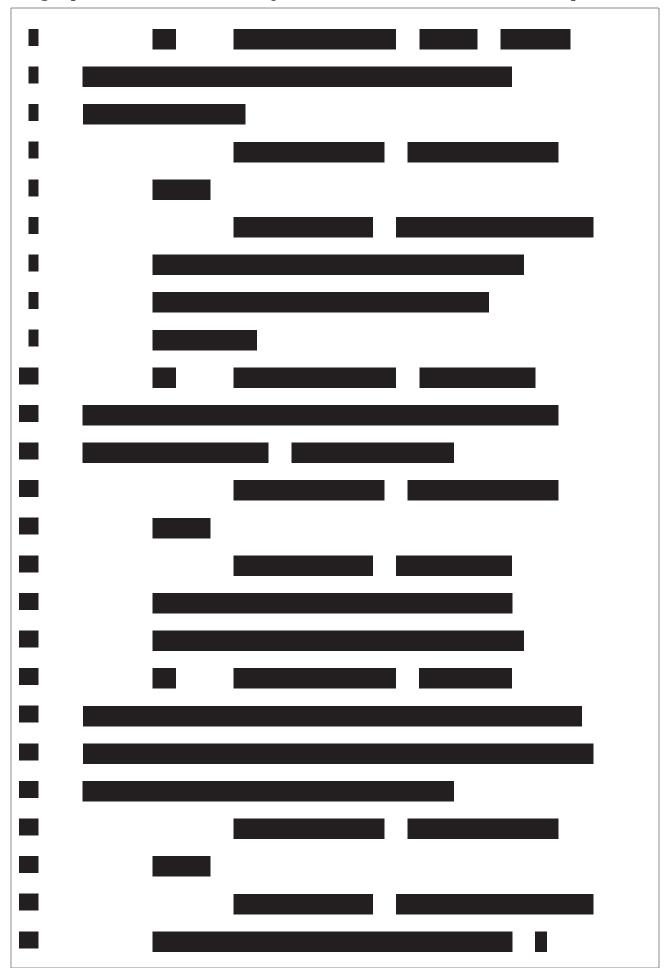


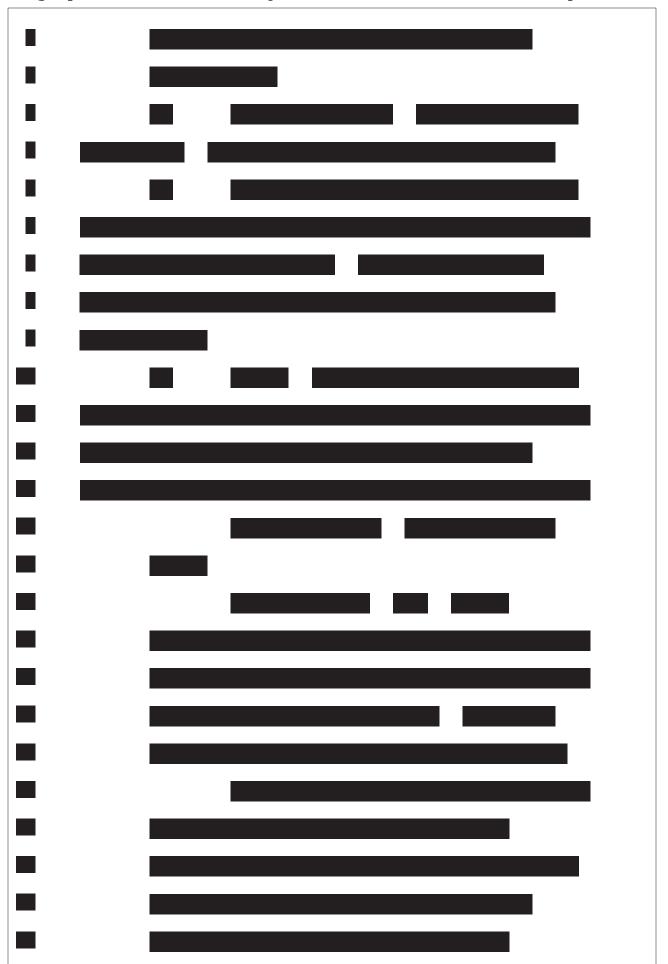


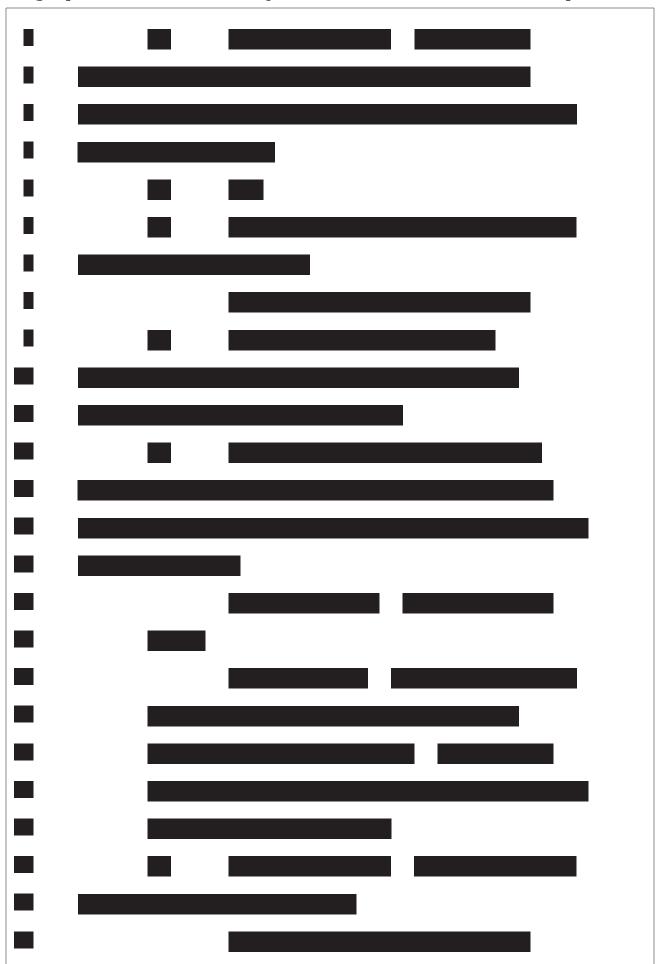


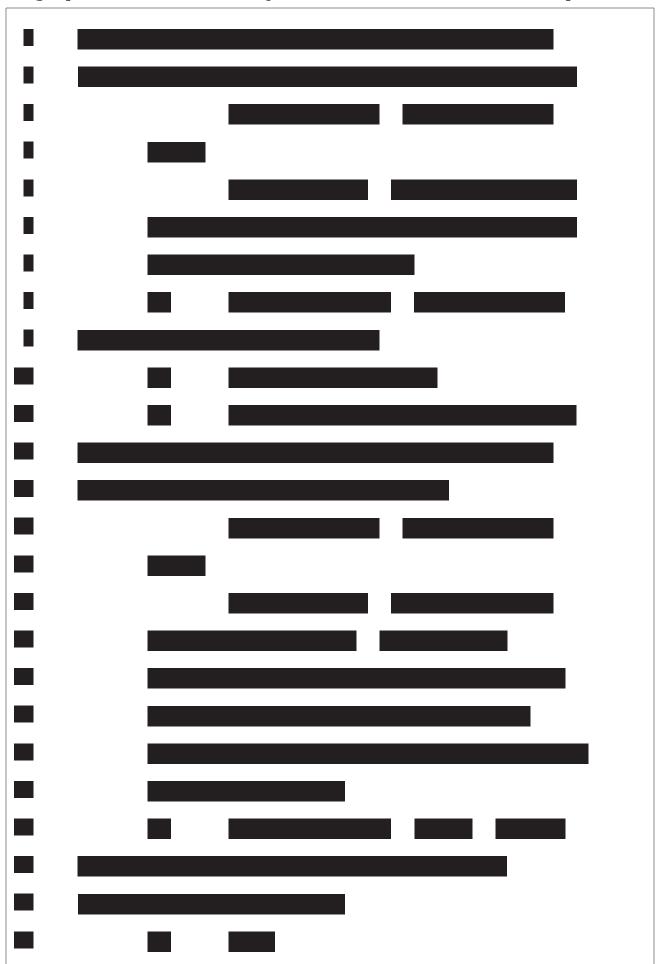




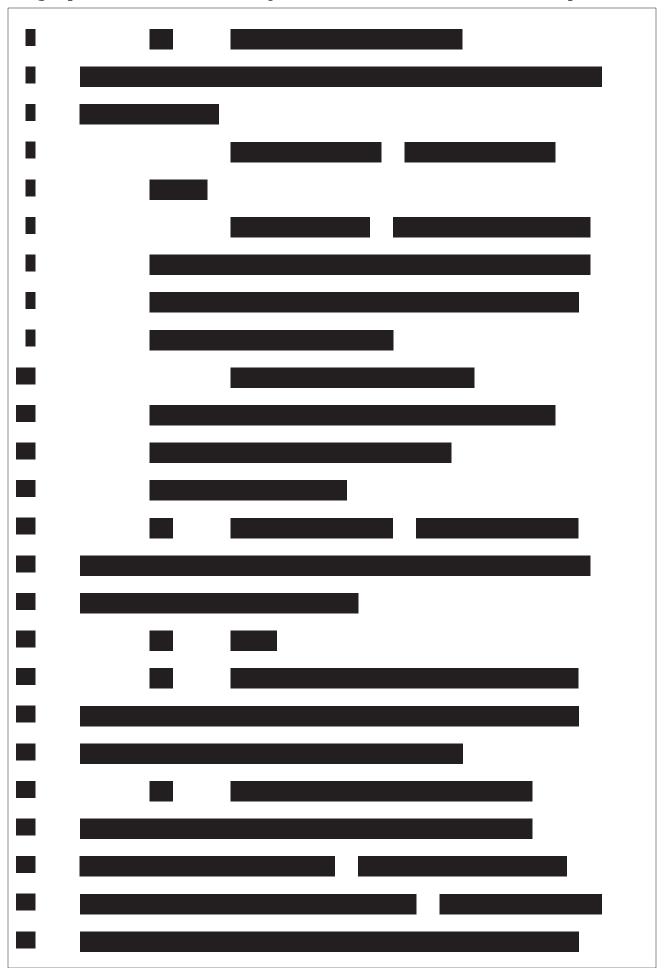




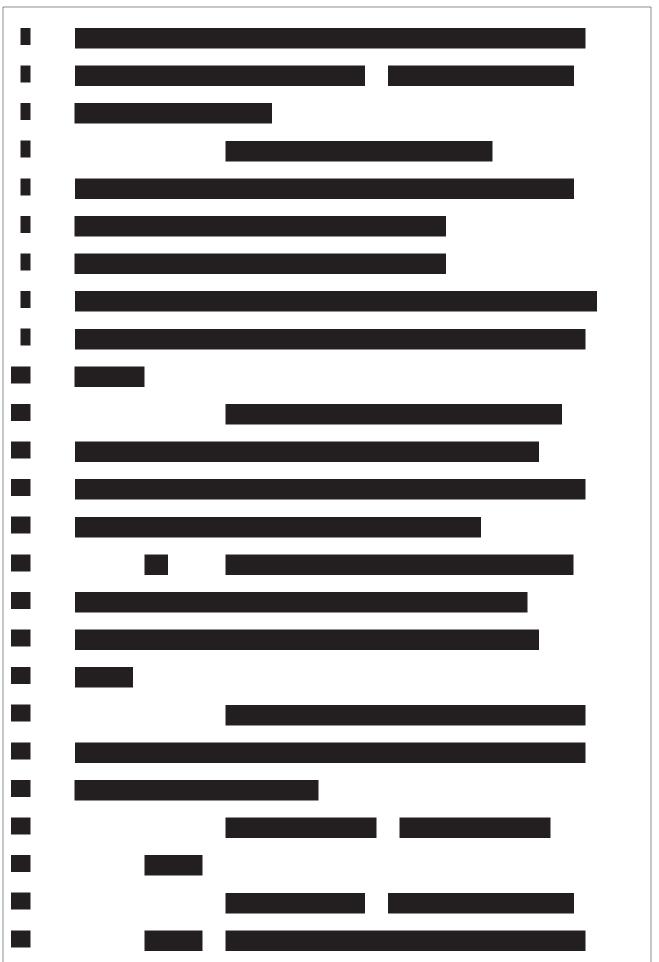


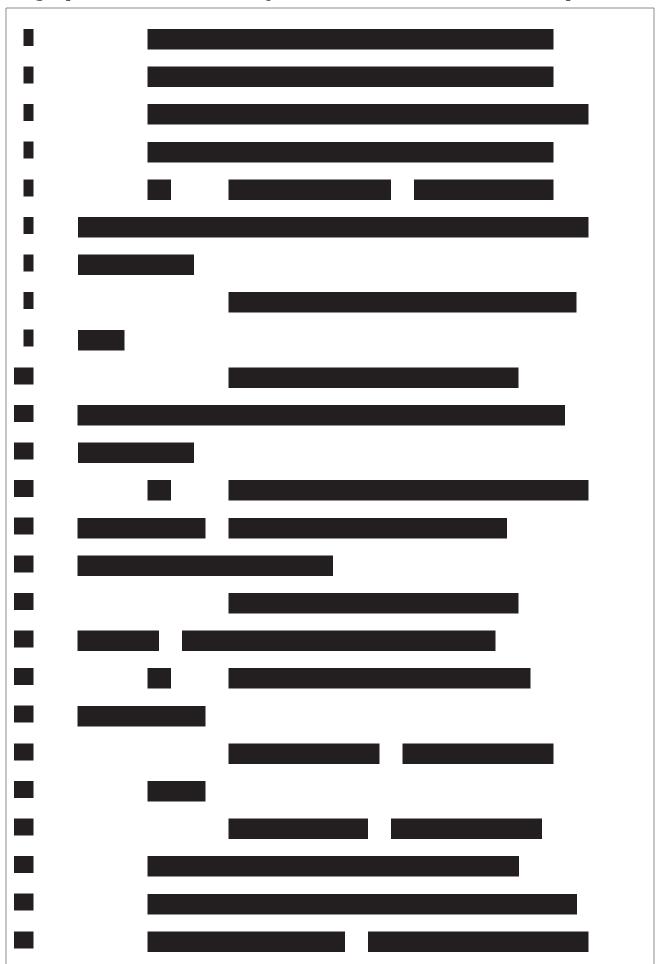


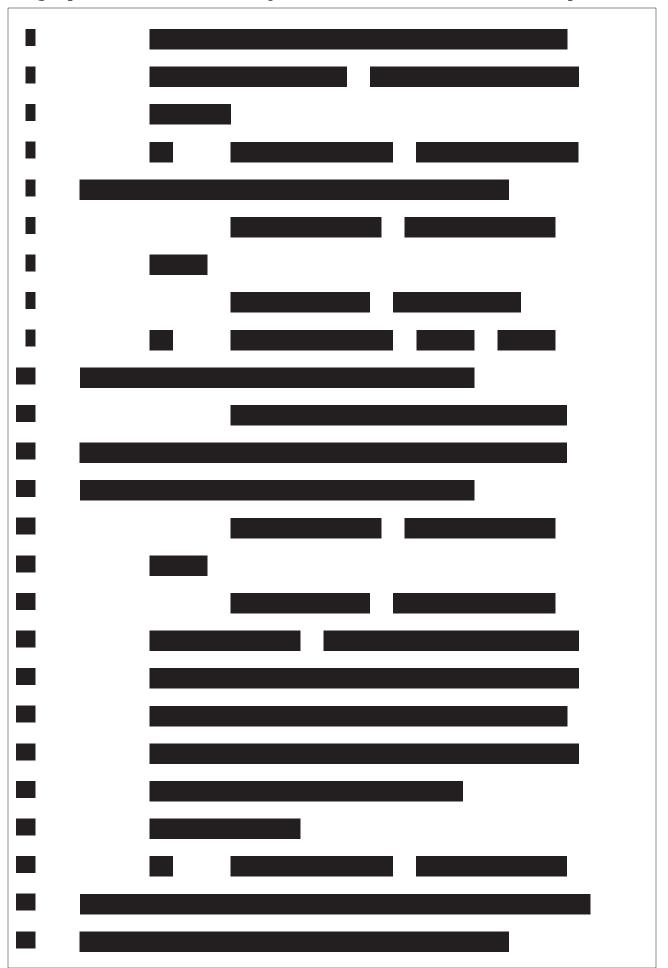
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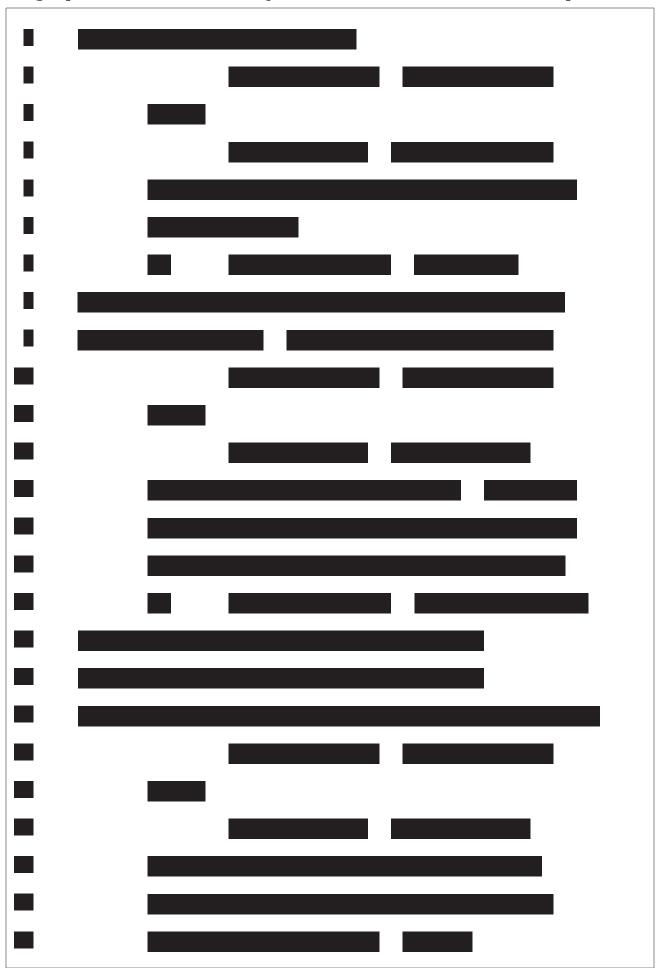


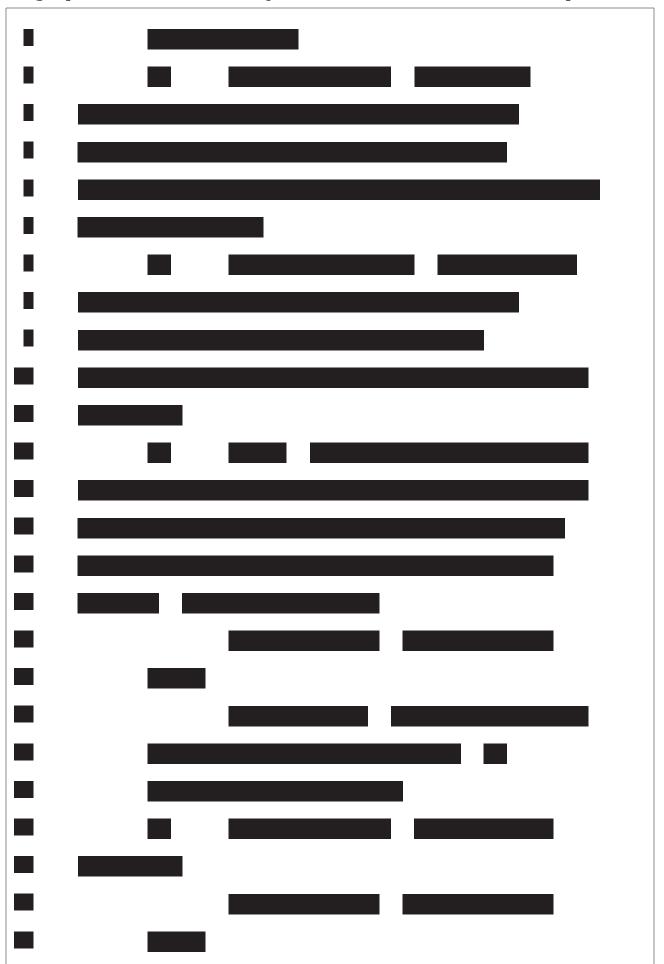
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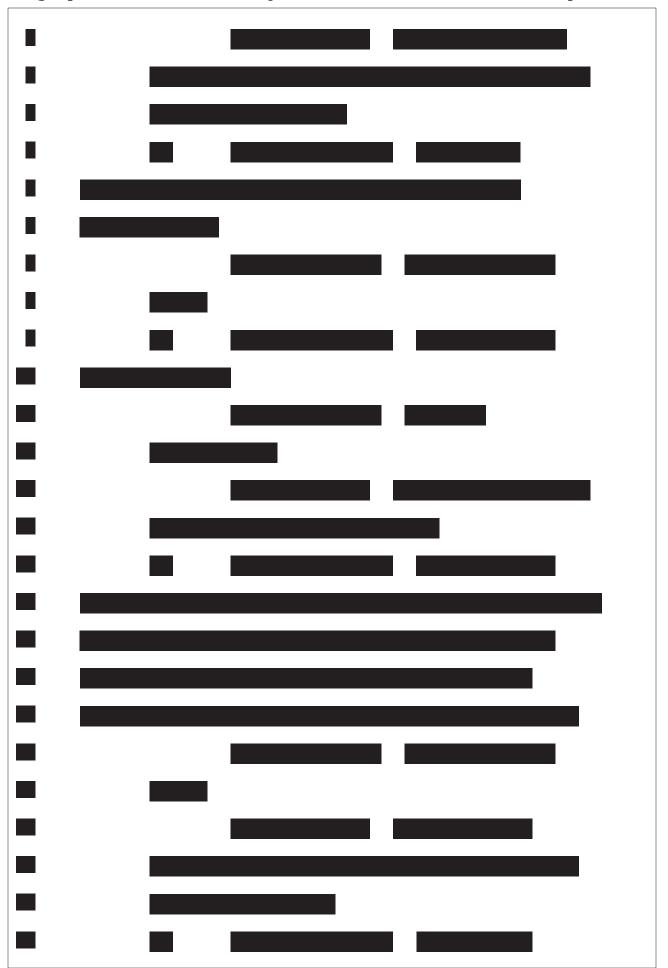


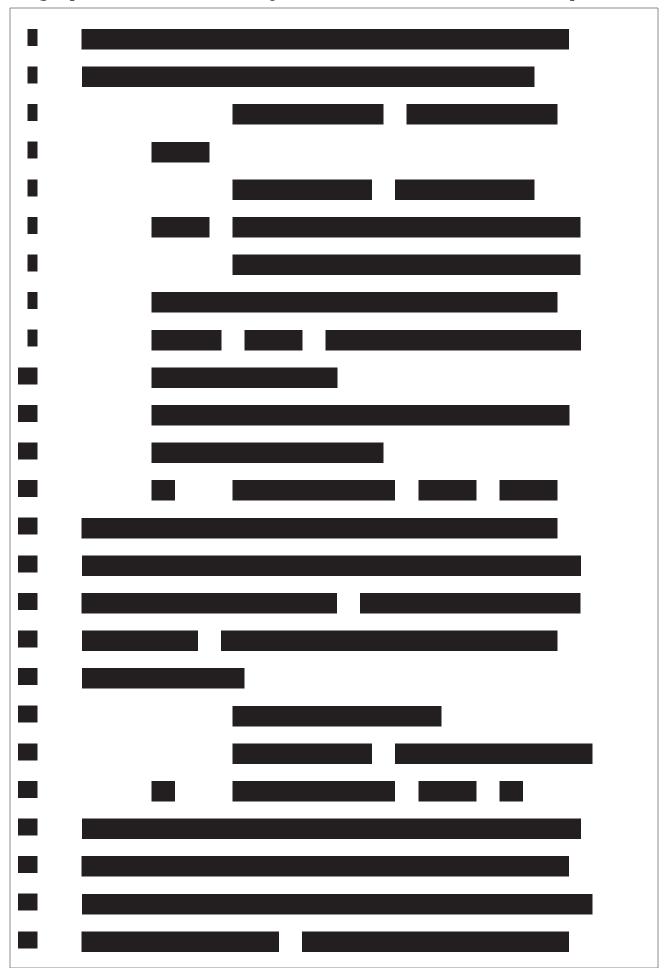


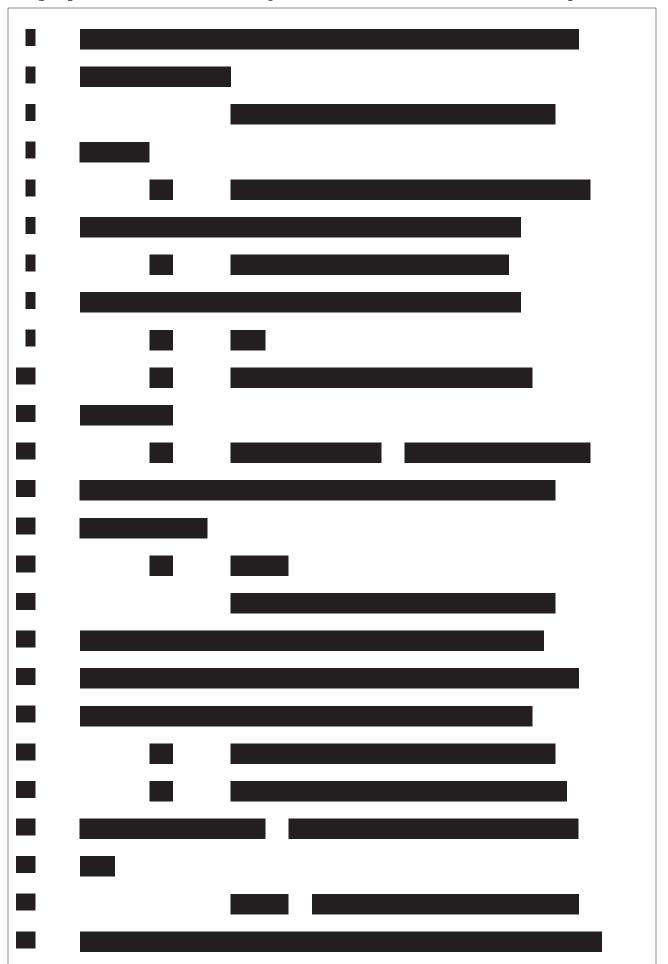




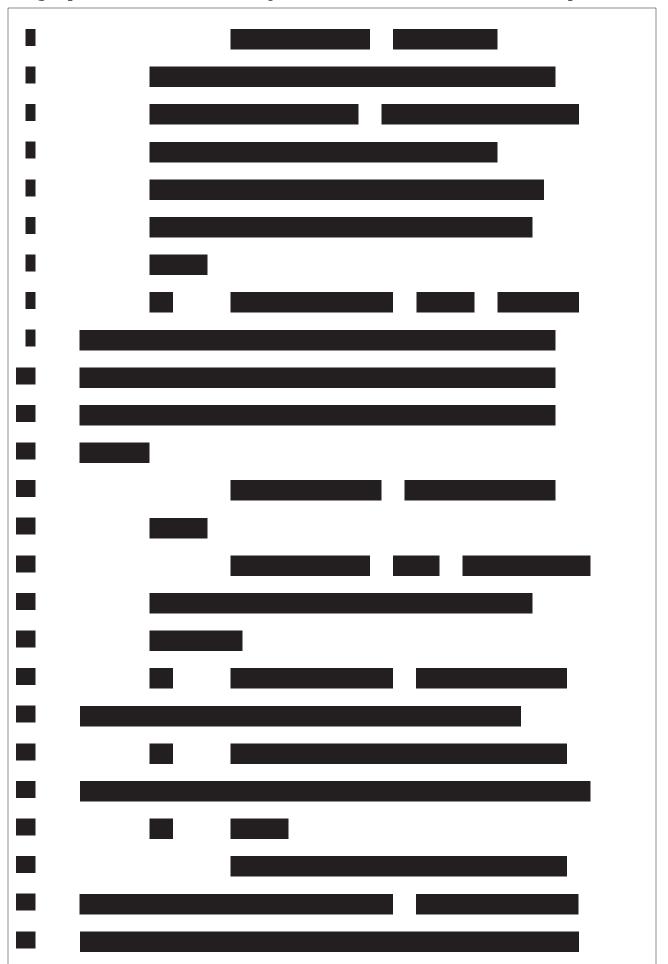


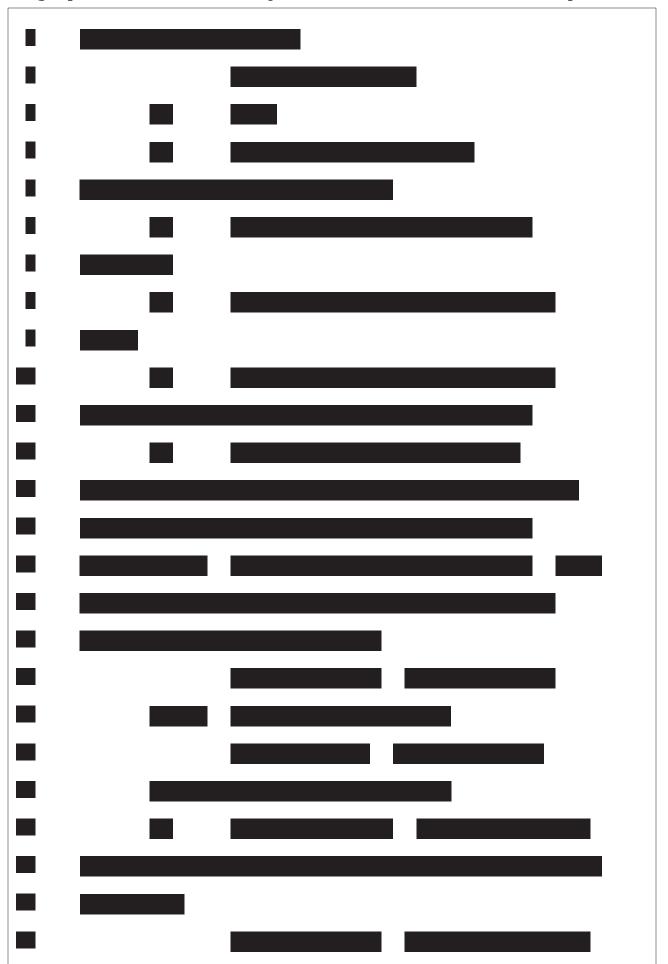


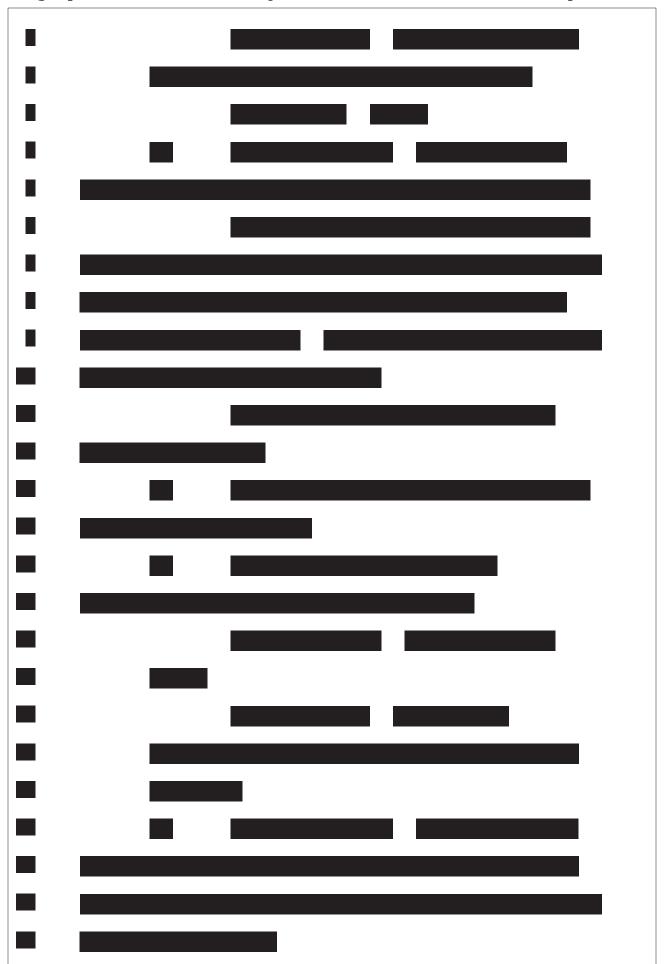


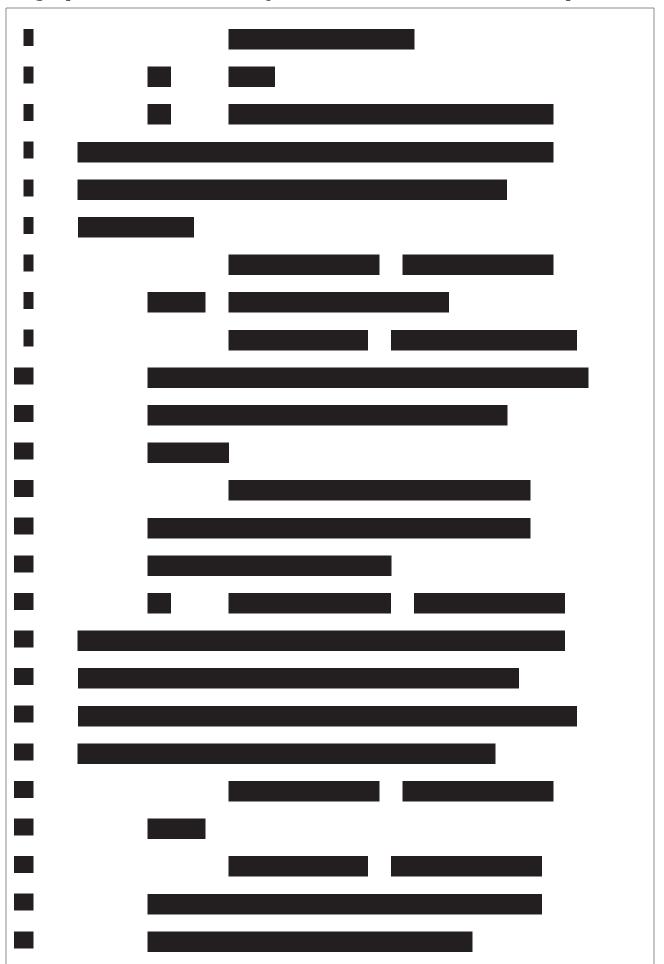


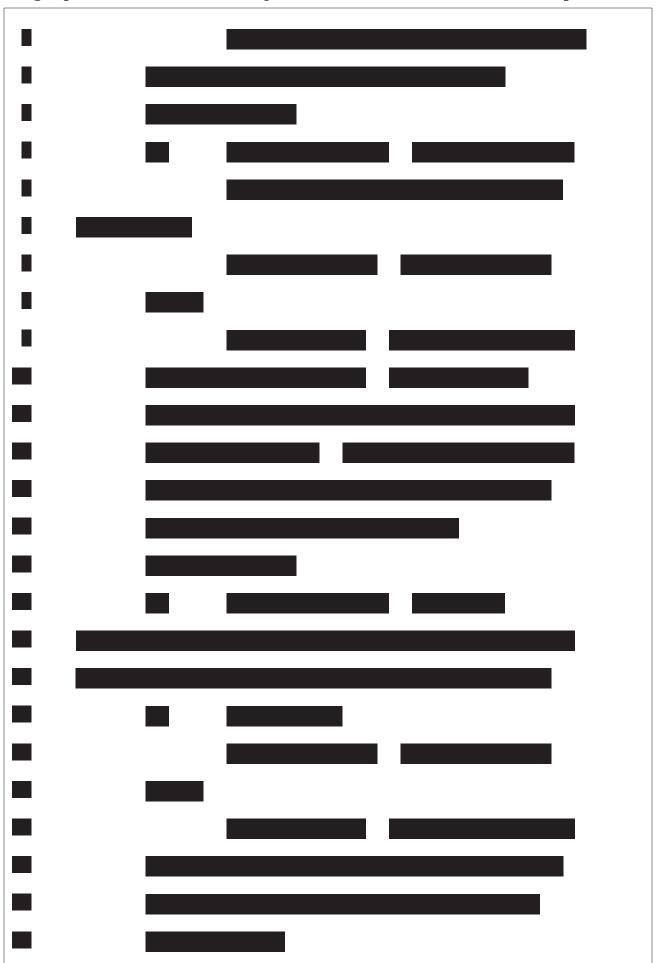


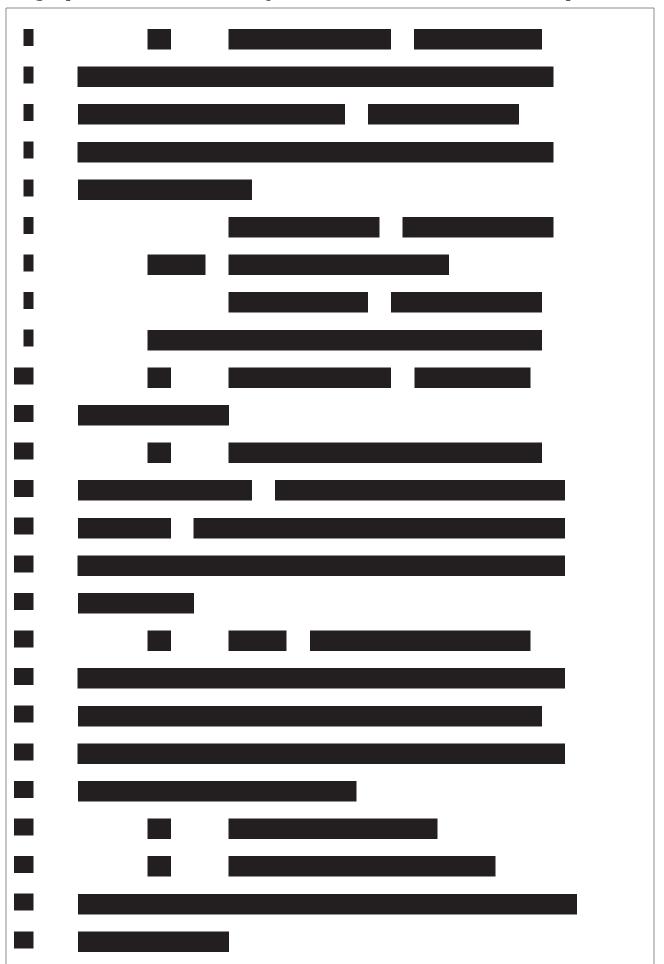


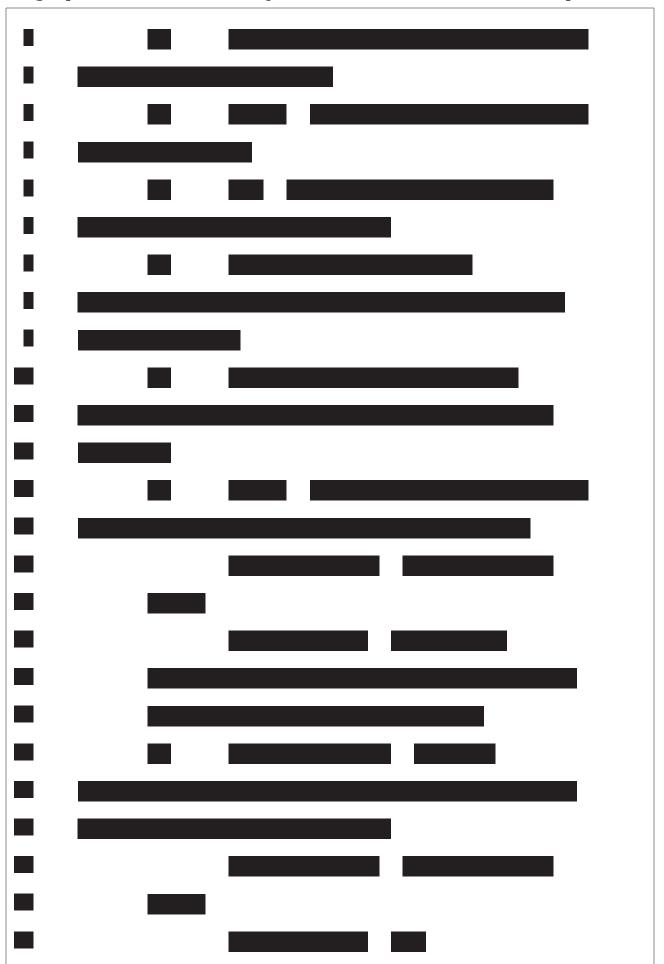


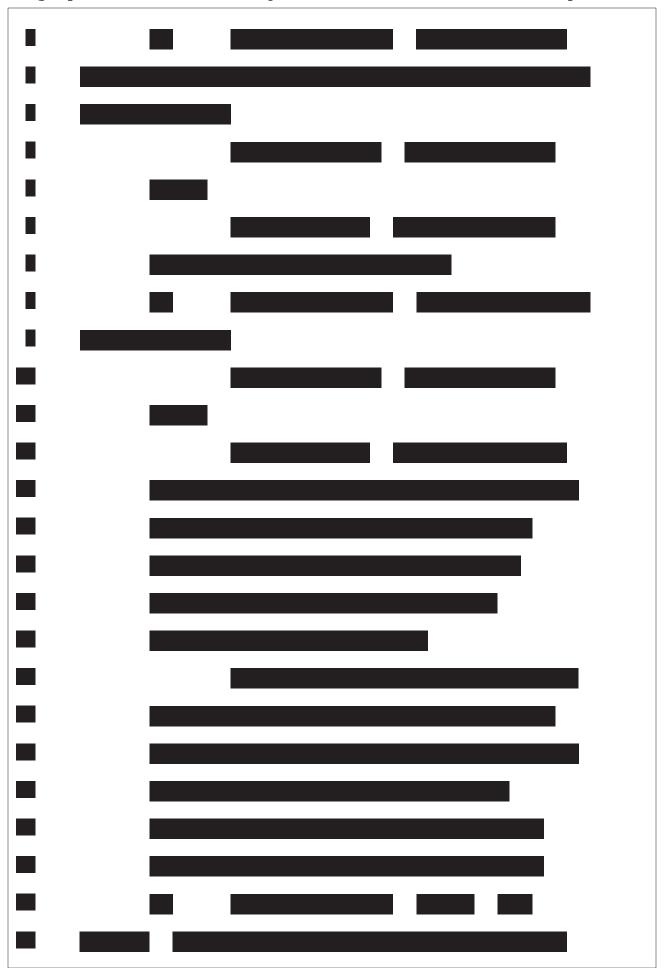


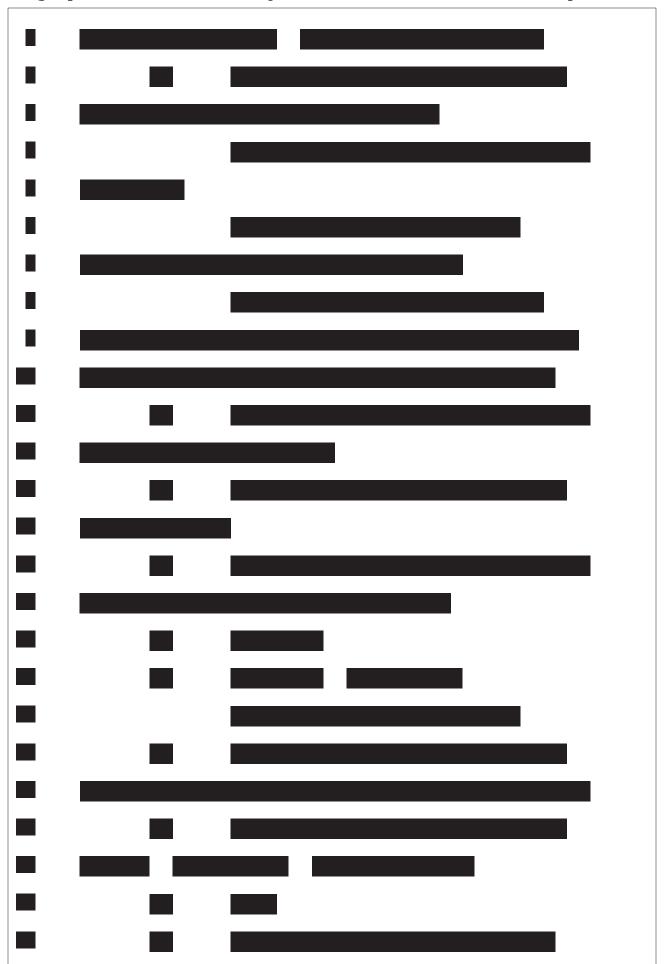


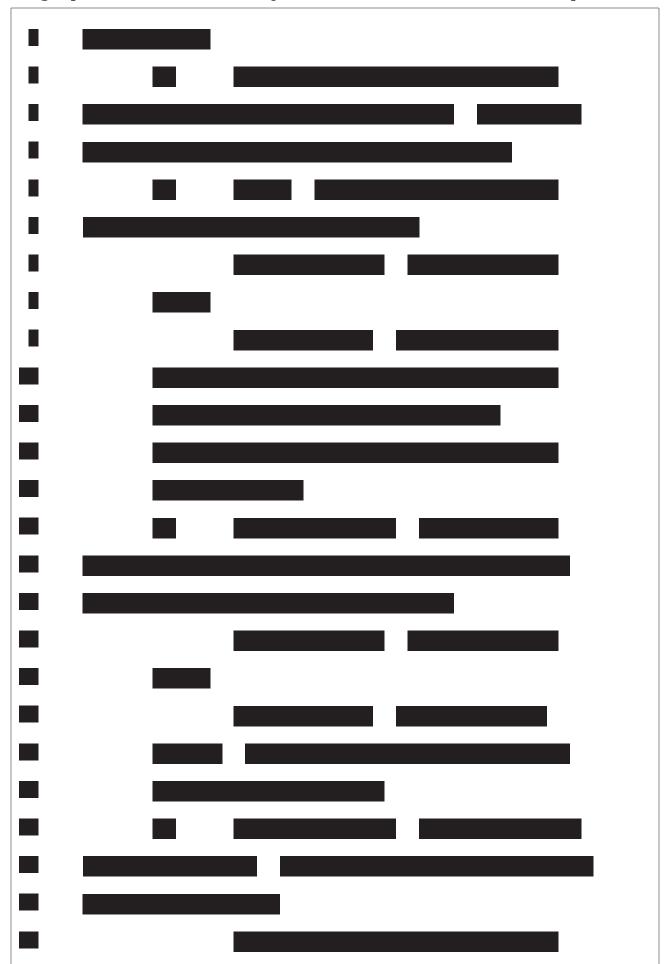


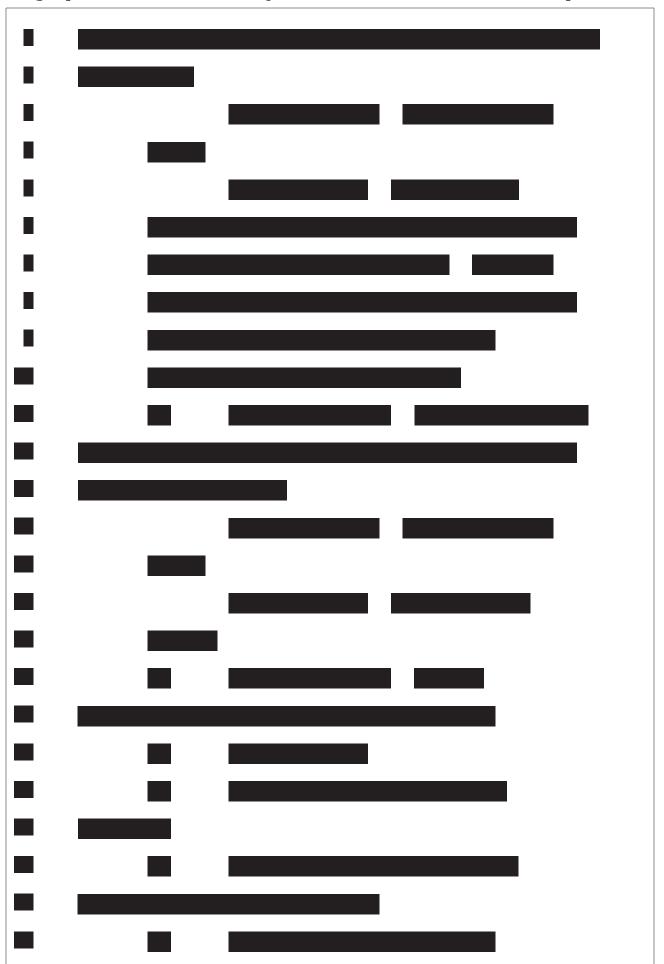


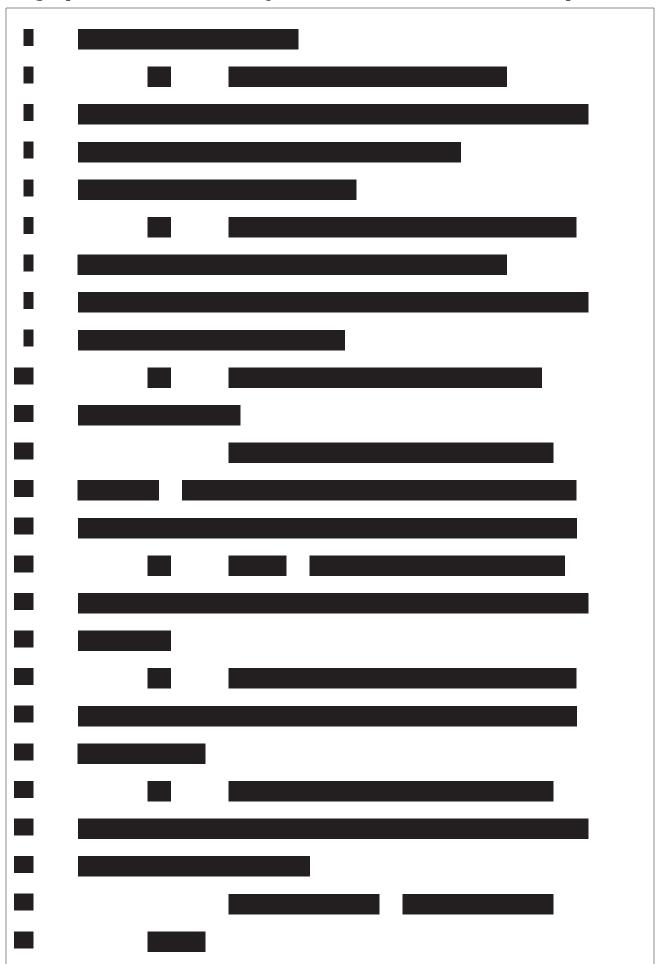


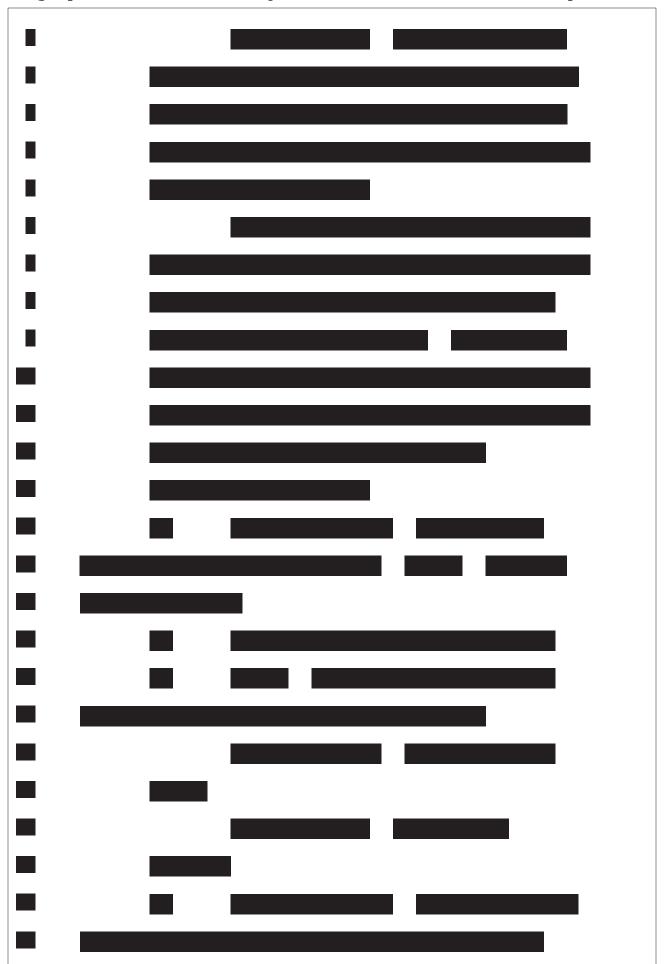


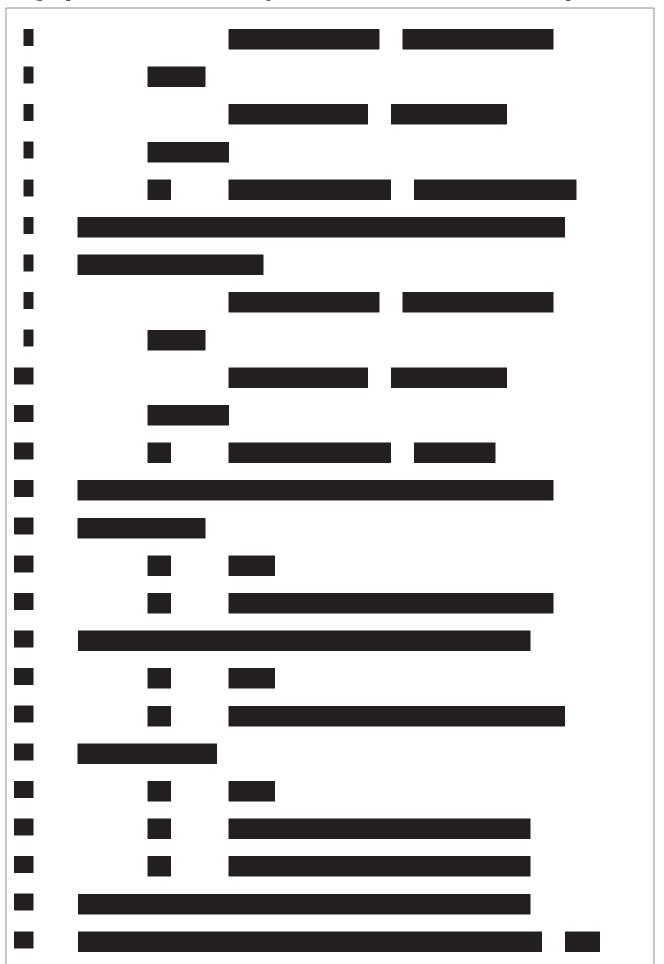


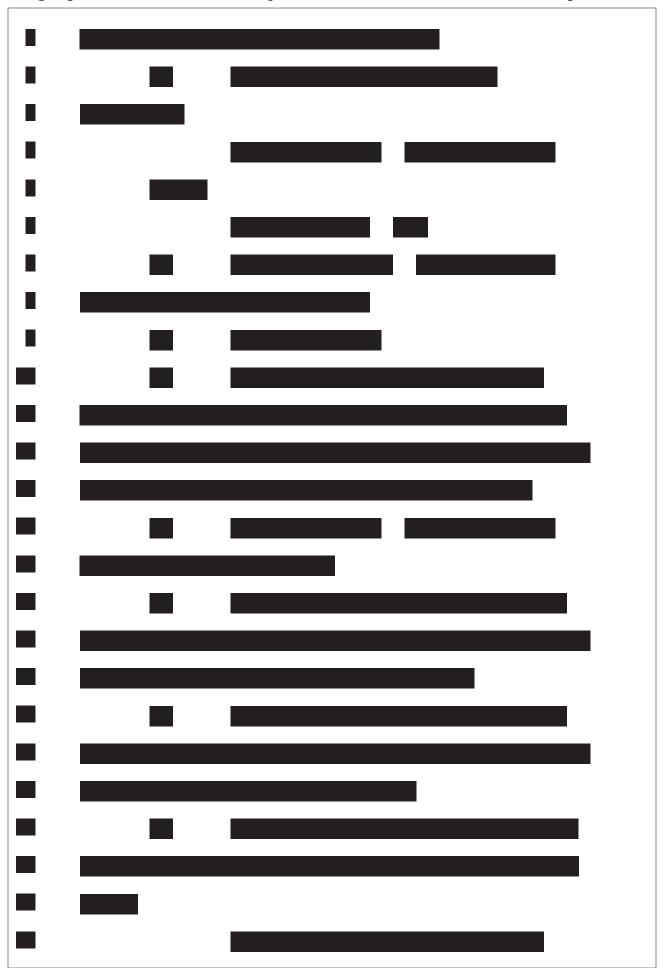


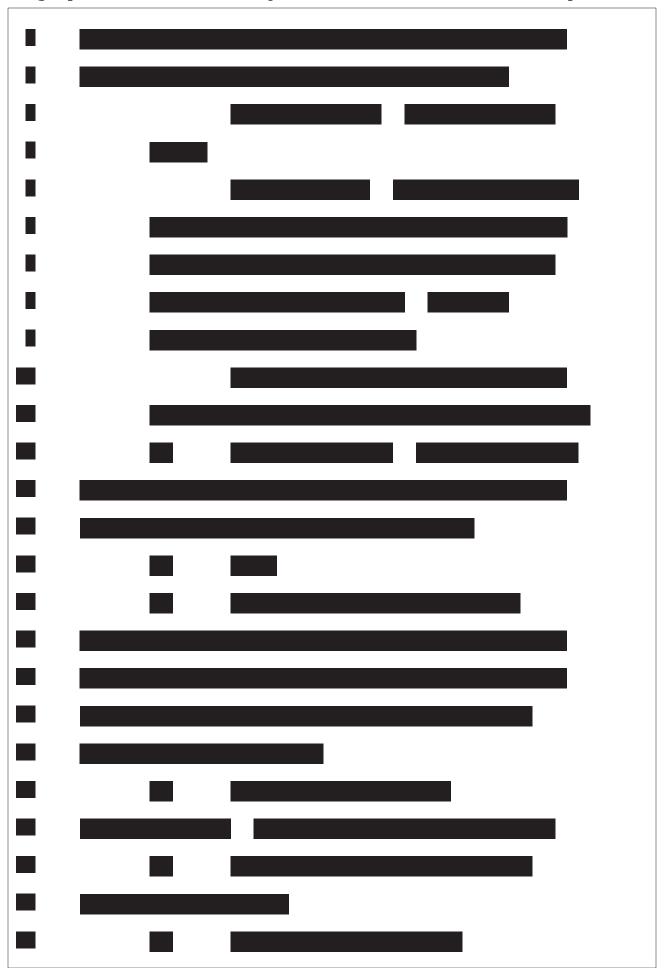


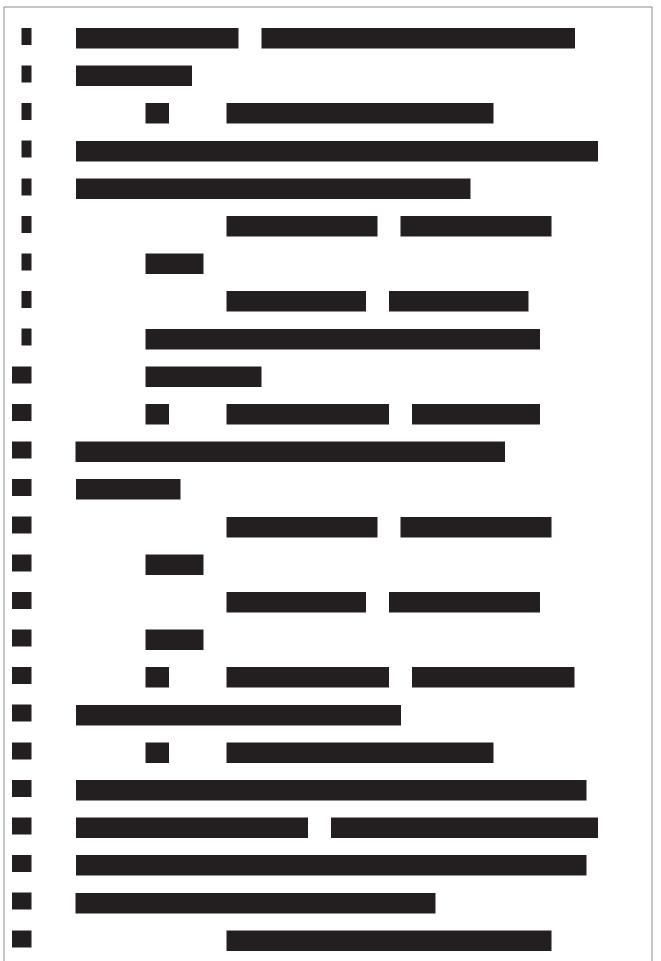


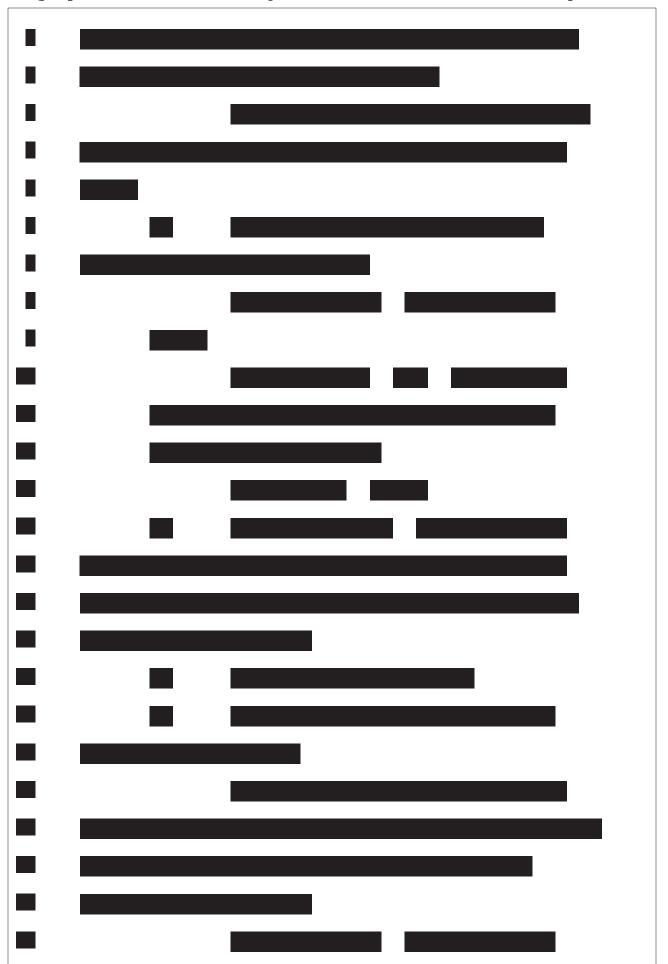


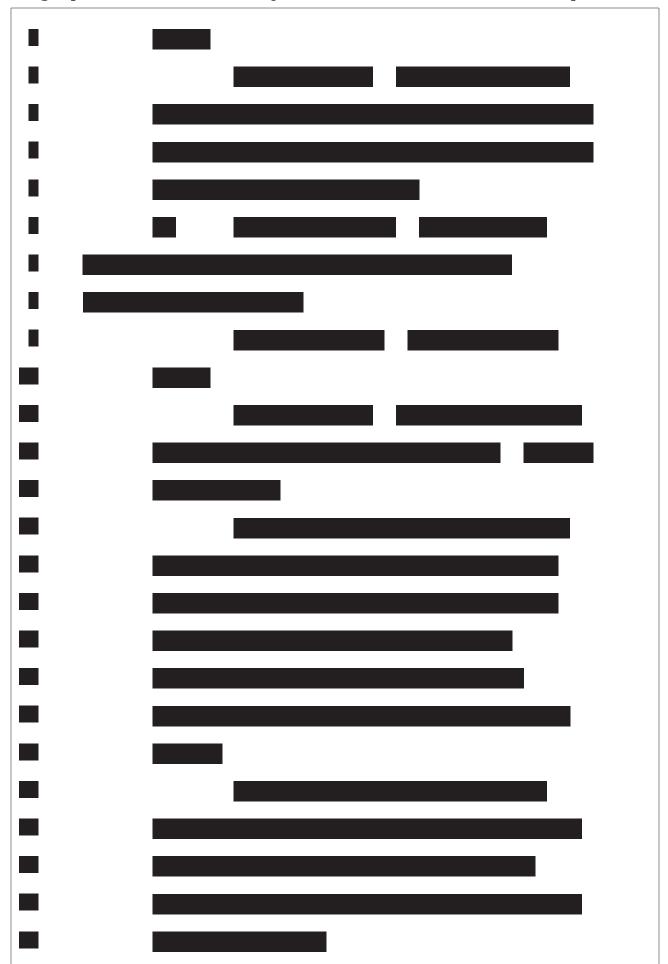


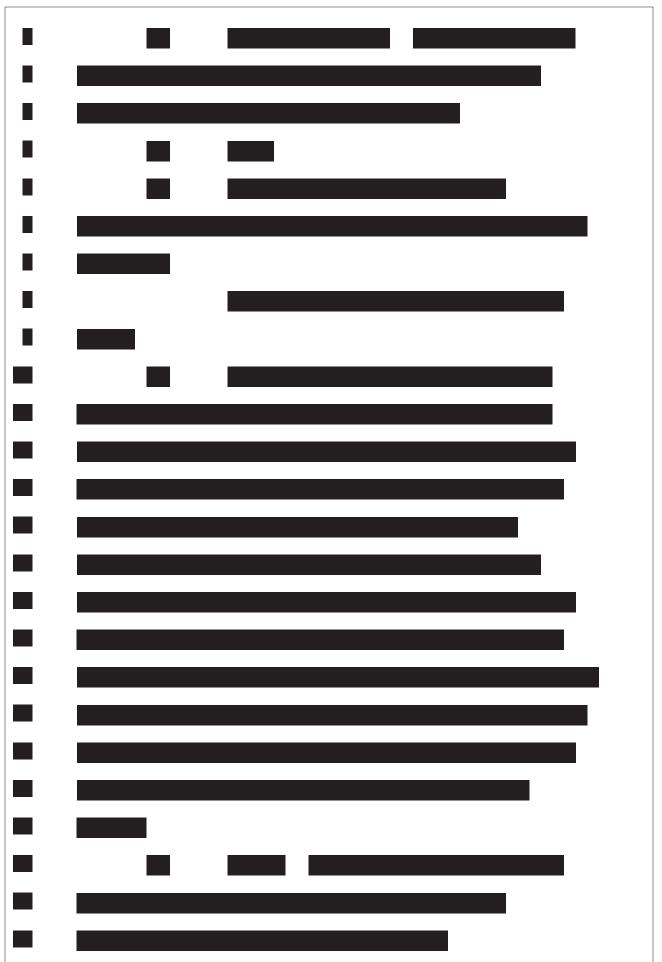


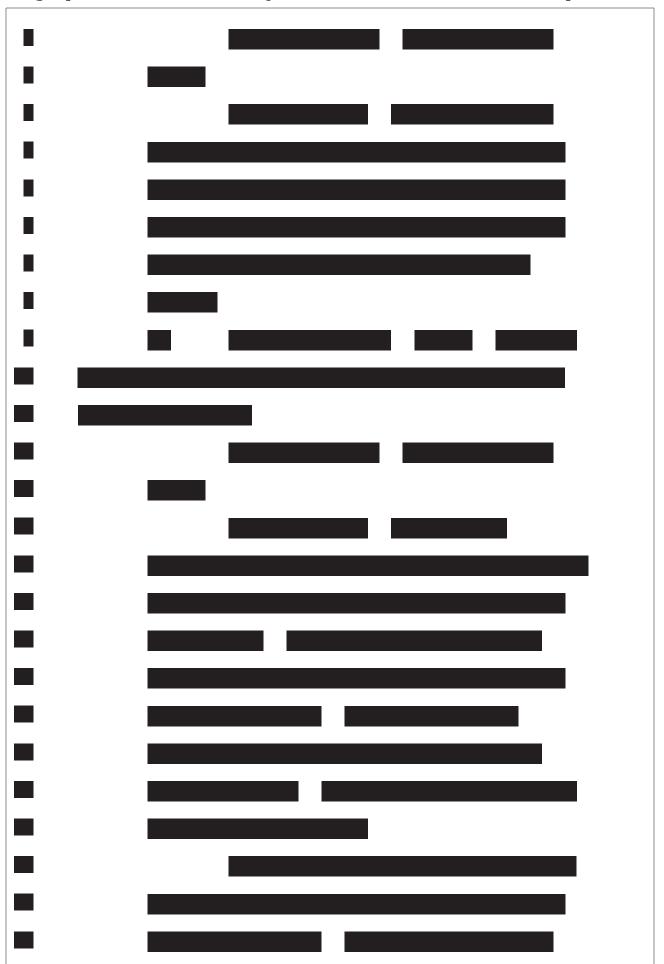


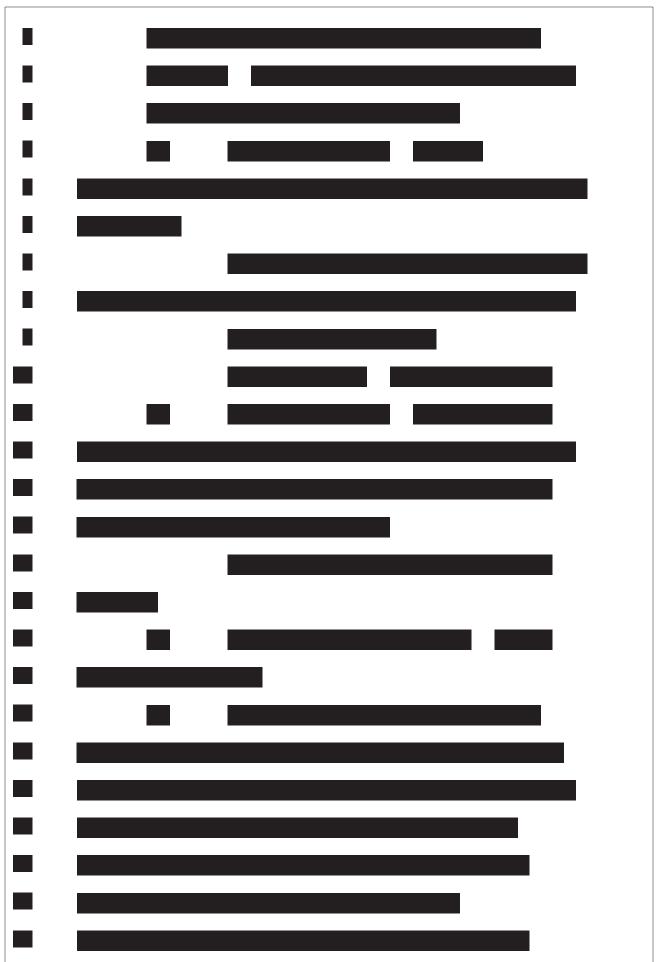


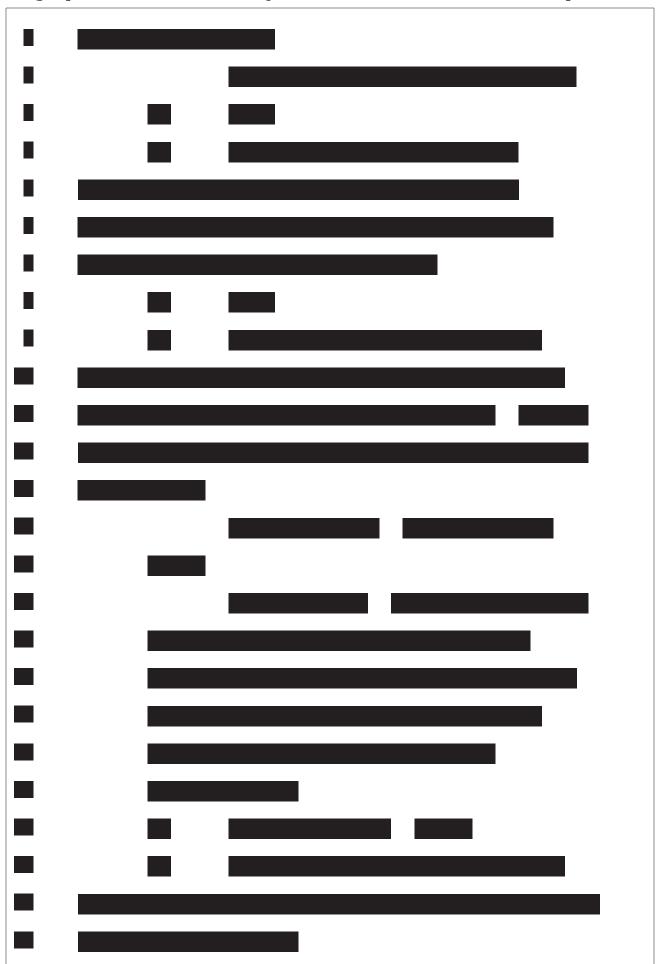


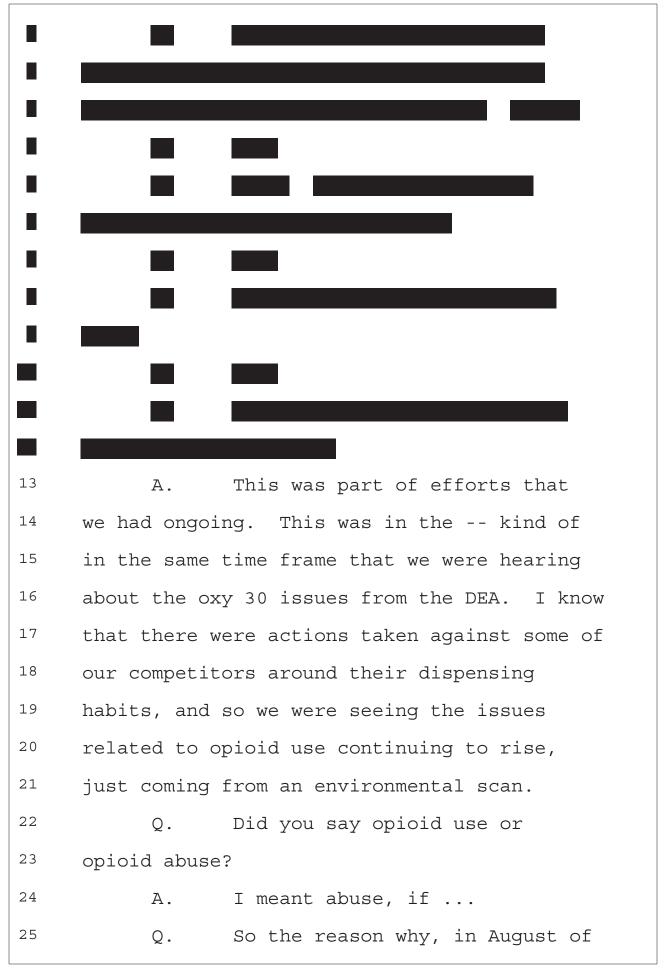




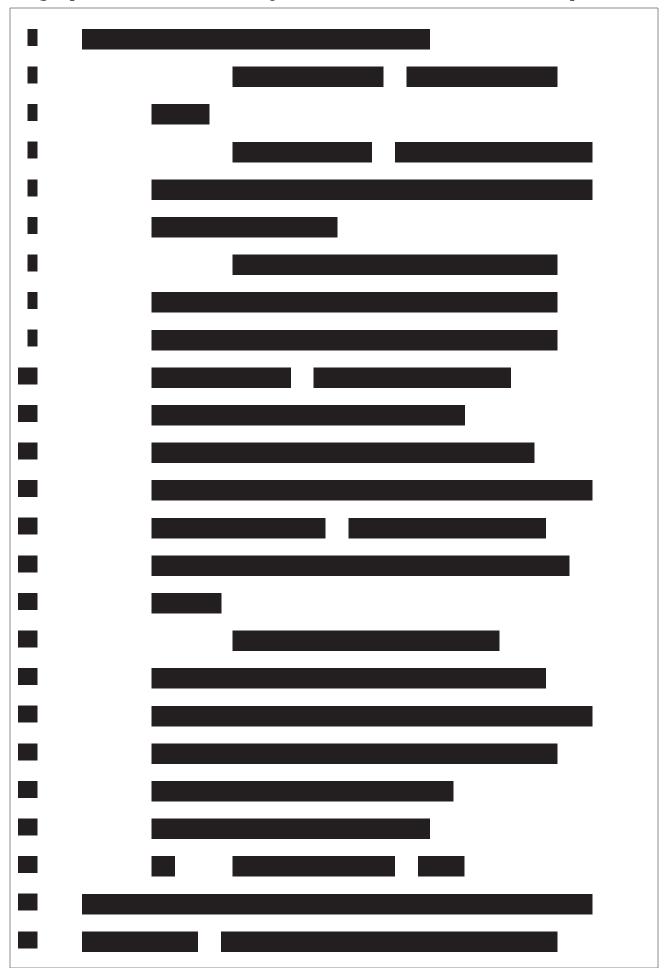


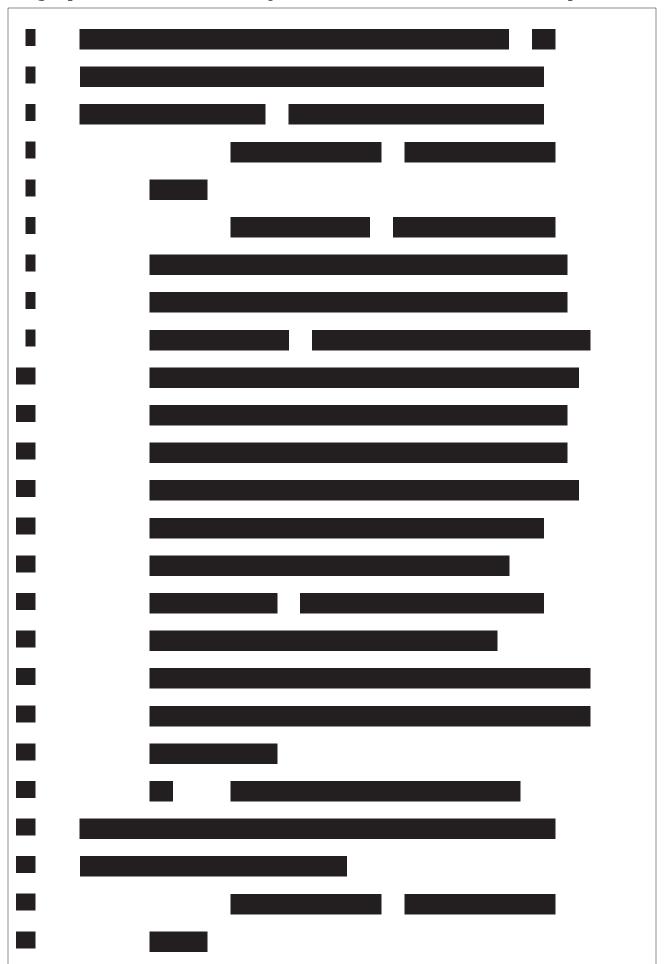


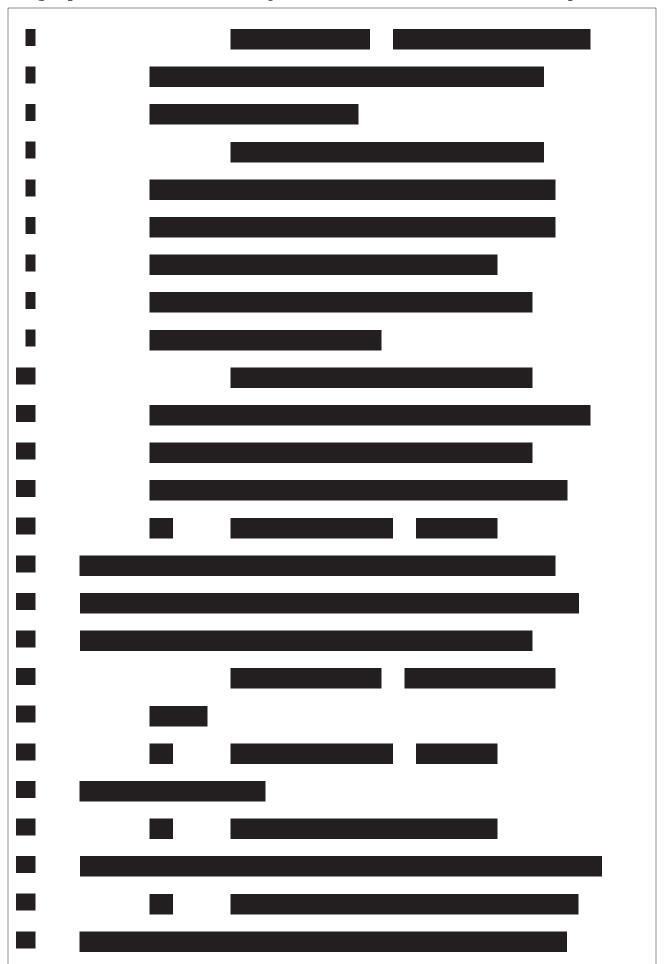


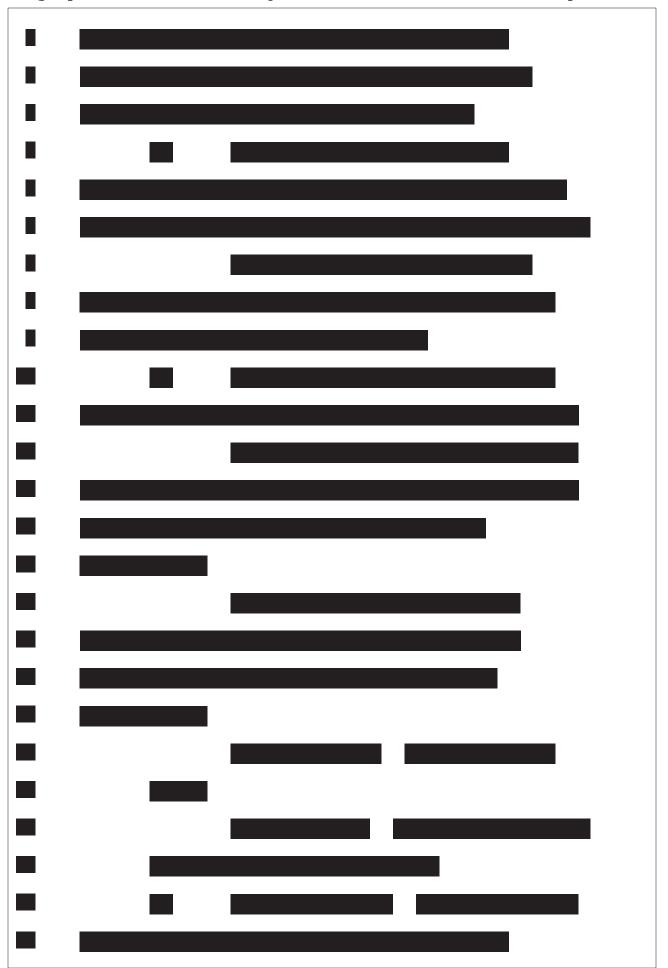


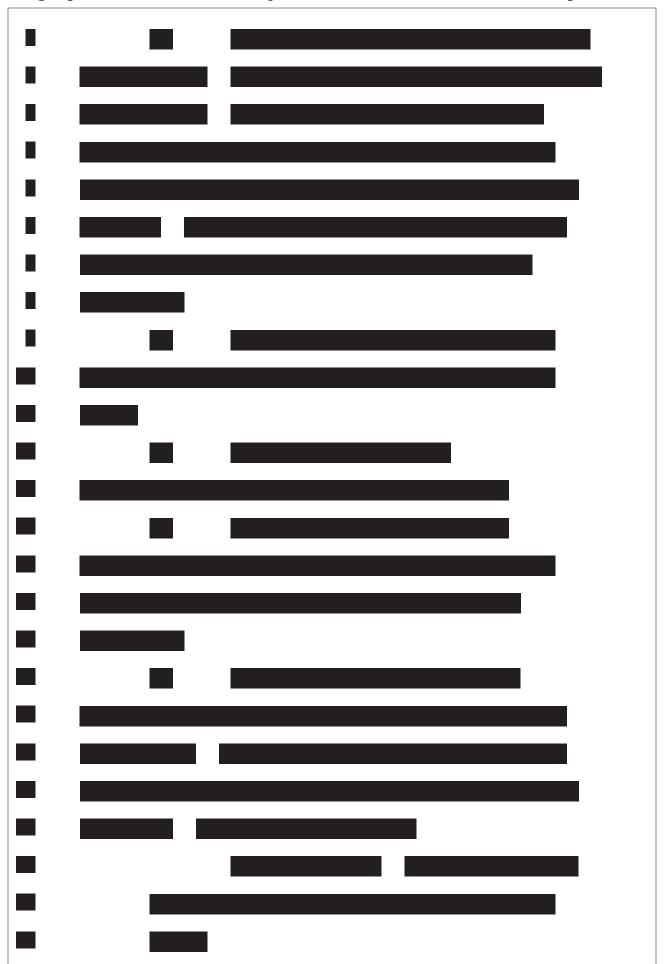
1 2012, you believe the matter was urgent was 2. because of the conversations you had had with 3 the DEA regarding oxy 30 and the fines and 4 penalties that were leveled against folks who 5 were similarly situated to Walmart in the 6 dispensing and distribution of opioids. 7 MS. TABACCHI: Object to the 8 form. 9 THE WITNESS: Really what we 10 were -- what we were seeing as a 11 continuing issue related to the opioid 12 abuse. 13 (BY MR. INNES) Okay. And you Ο. 14 mentioned that the DEA told you that they 15 weren't focused on Walmart in particular for 16 oxy 30s at that point in time; right? 17 Α. That is correct. 18 And these actions that you 19 referenced were brought against companies 20 other than Walmart? That's right? 21 Α. Correct.

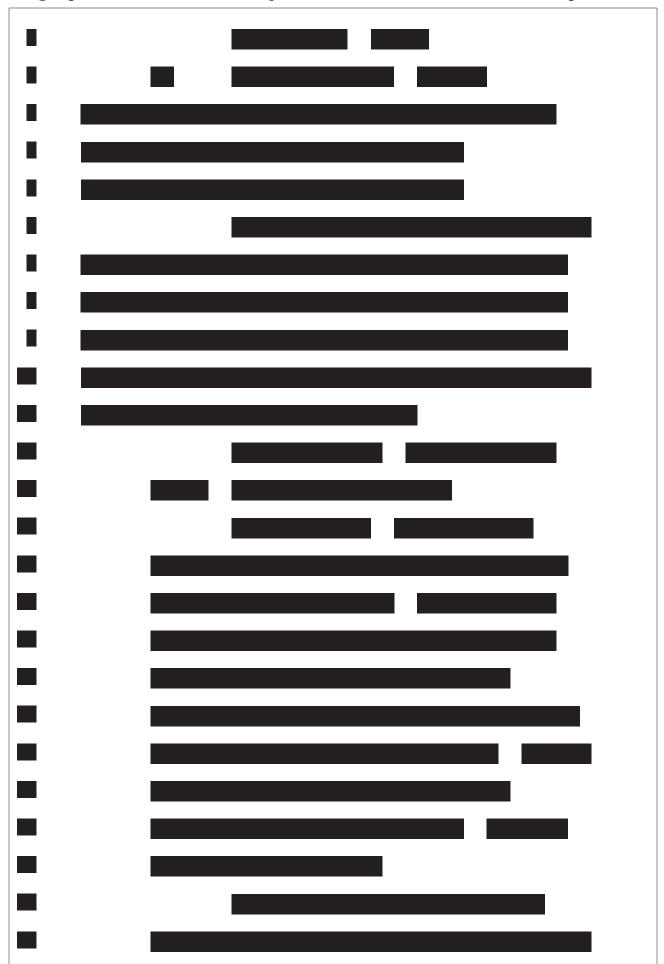




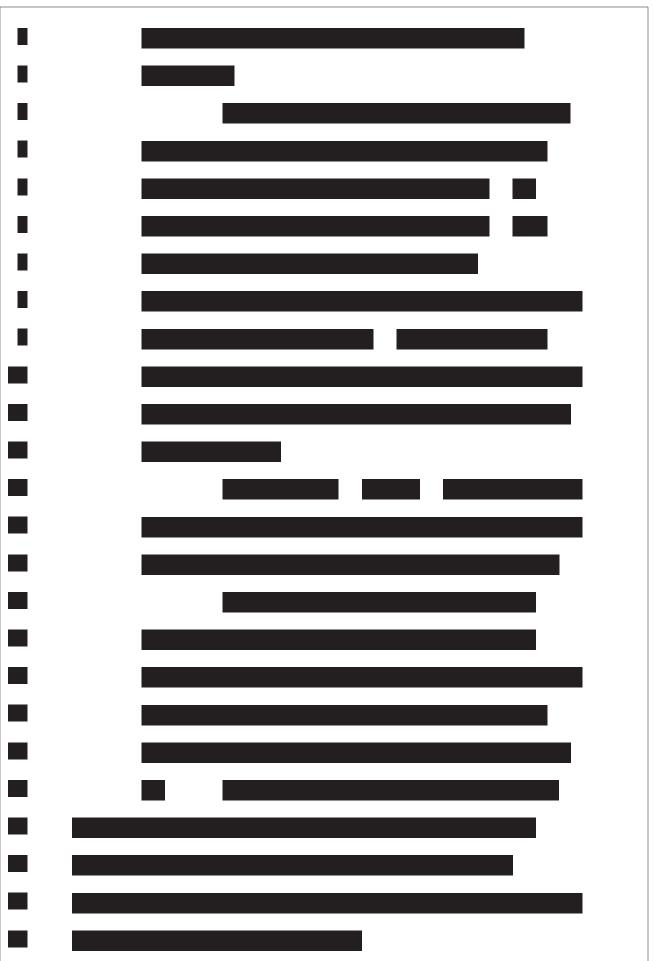


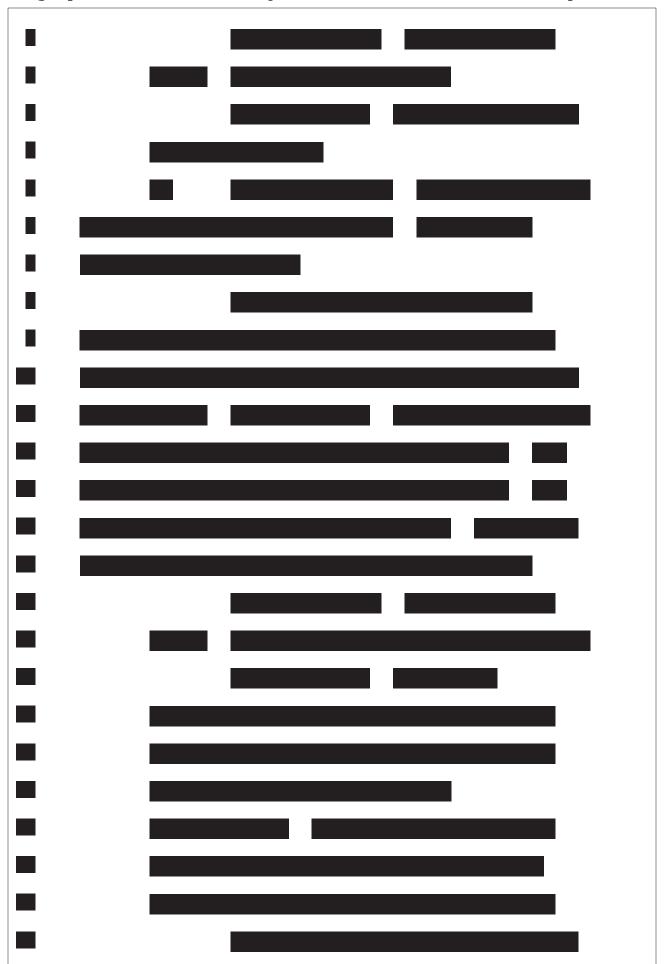


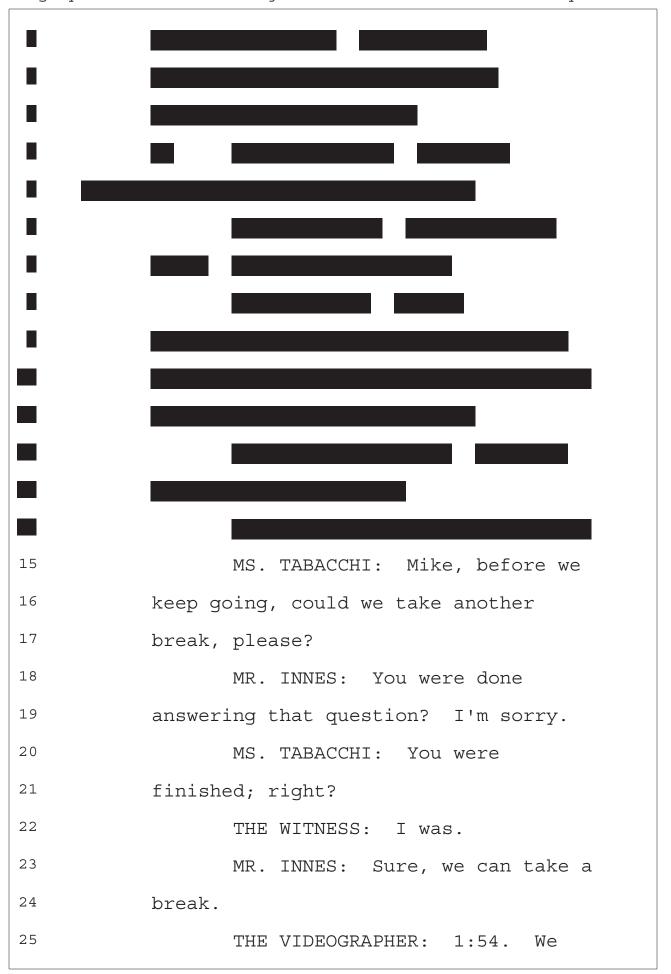




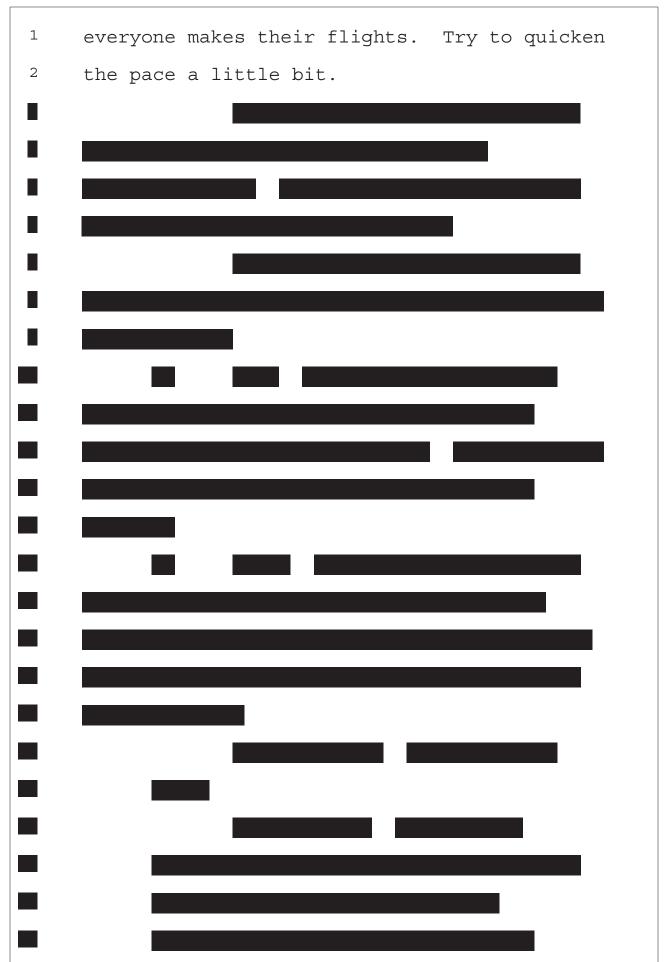
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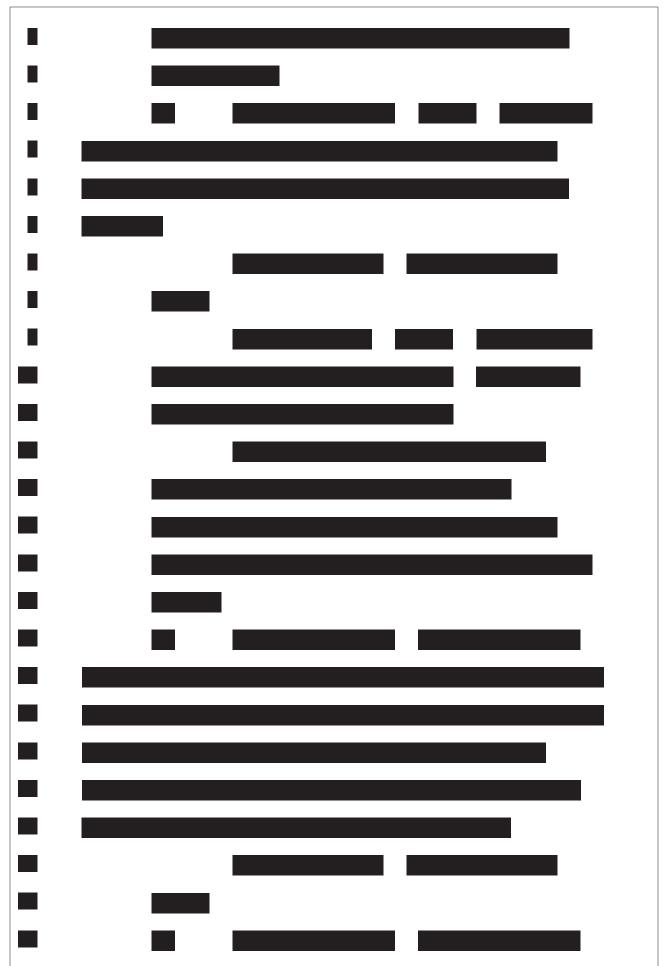




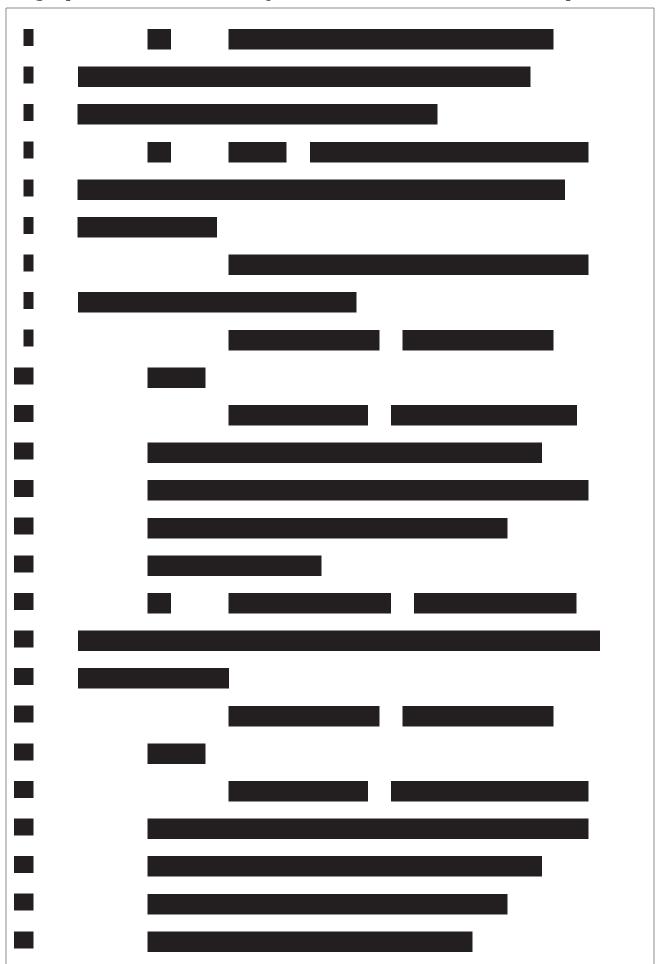


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are off the video record.
1
2.
                   (Recess taken, 1:54 p.m. to
3
            2:12 p.m.)
4
                   THE VIDEOGRAPHER: 2:12. We
5
            are on the video record.
6
                   MR. INNES: Okay. We're back
7
            on the record. There was a -- before
8
           we start, Ms. Hiland, I'm just going
9
            to make a statement on the record
10
           here.
11
                   And correct me if I'm wrong,
12
           Ms. Tabacchi, but there is a
13
            discrepancy between what was
14
            transcribed and perhaps what the
15
           witness said occurring around 1:40, I
16
           believe. We've agreed that we will
17
            take care of that discrepancy via the
18
            errata.
19
                   MS. TABACCHI: Correct. It's a
20
            discrepancy between the word "would"
21
            and "wouldn't." So we will -- we have
22
            agreed that we will address it in the
23
            errata.
24
                   (BY MR. INNES) So let's march
            Ο.
25
     forward. We'll see if we can't make sure
```

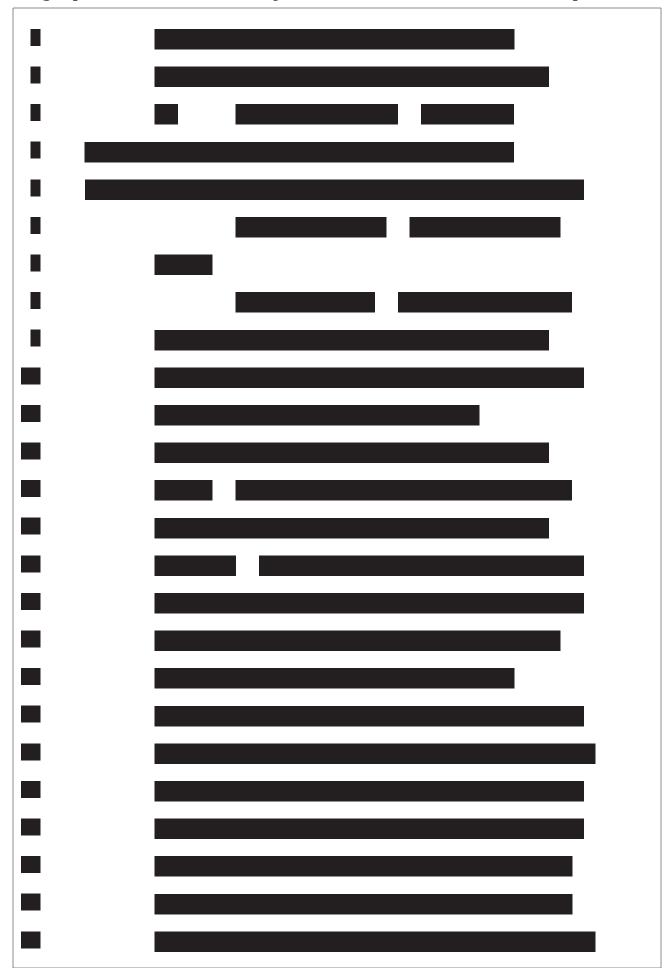


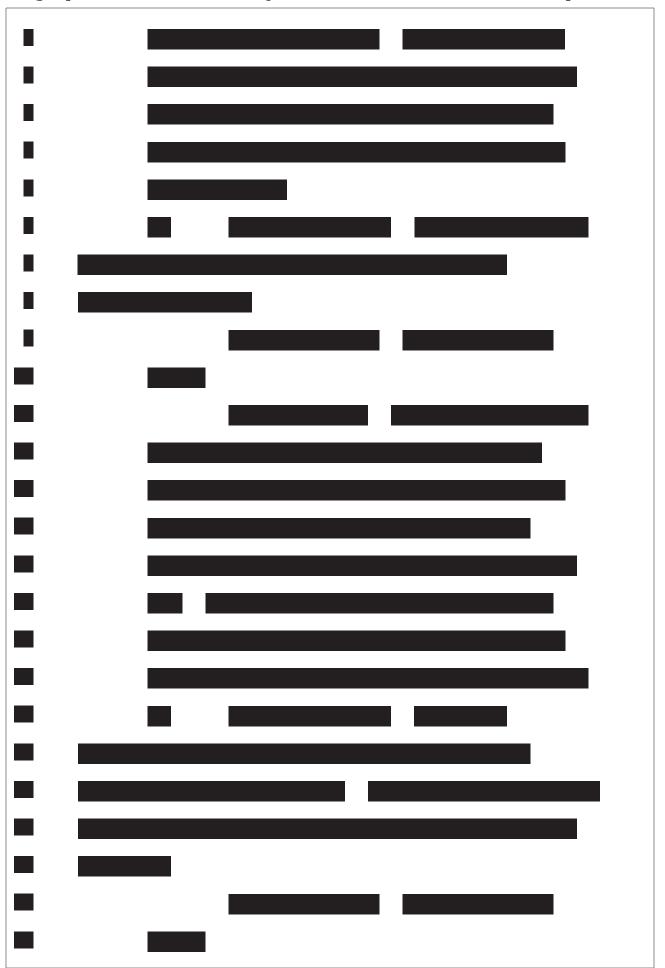


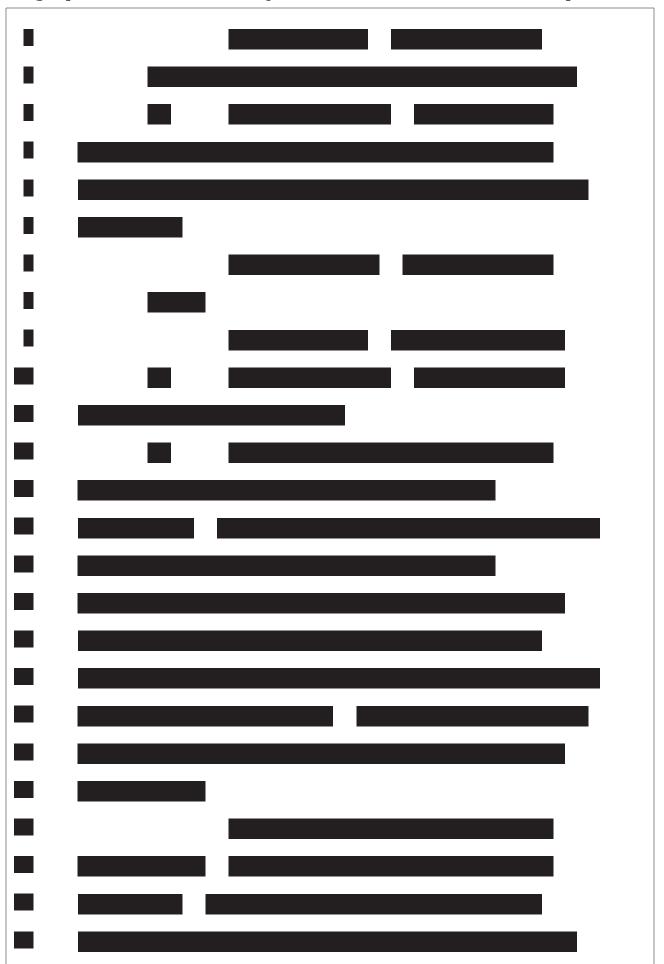
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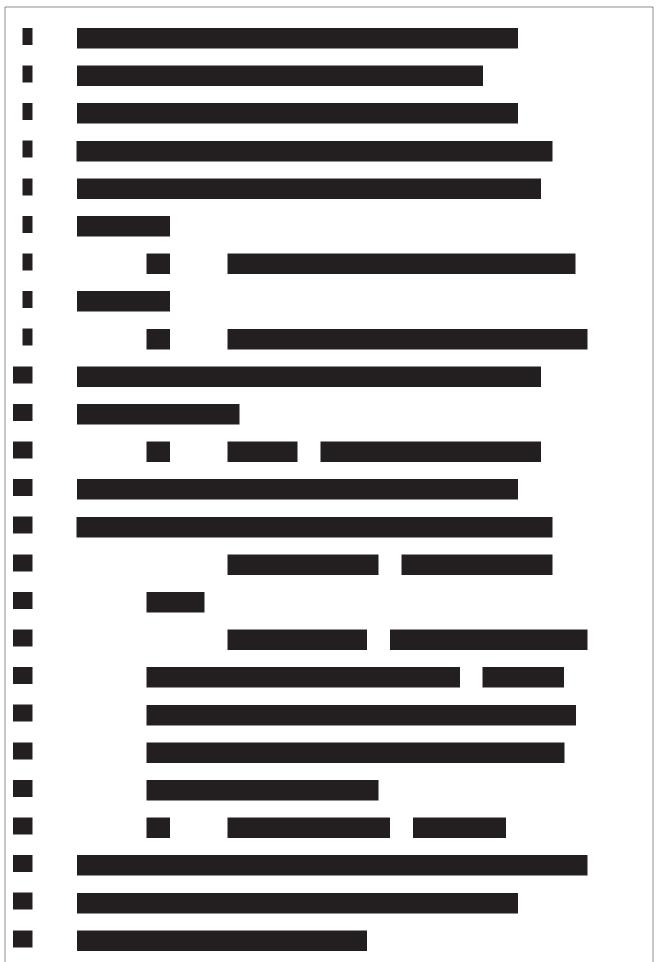
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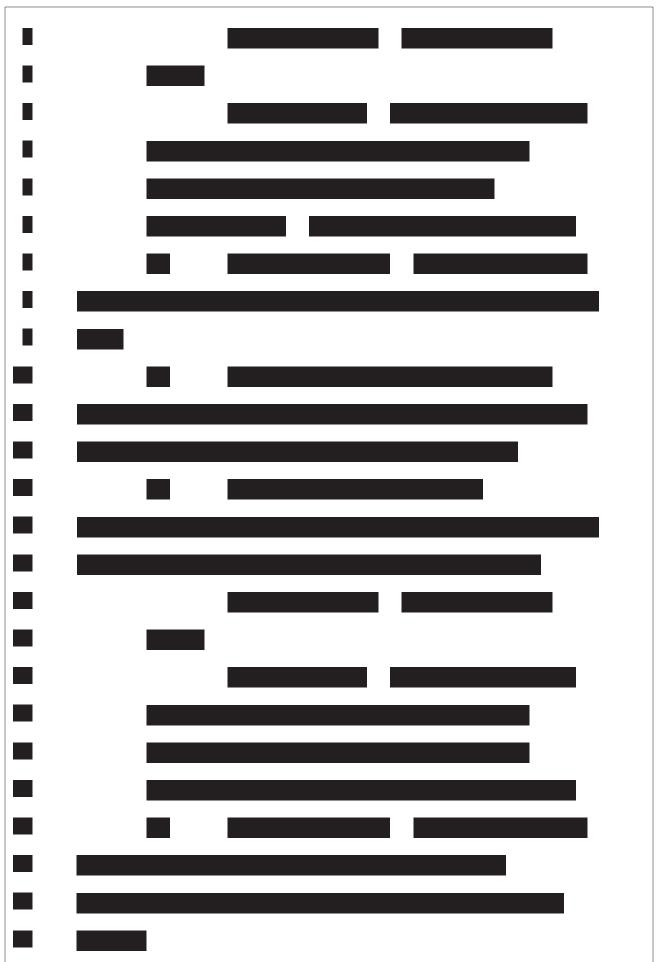


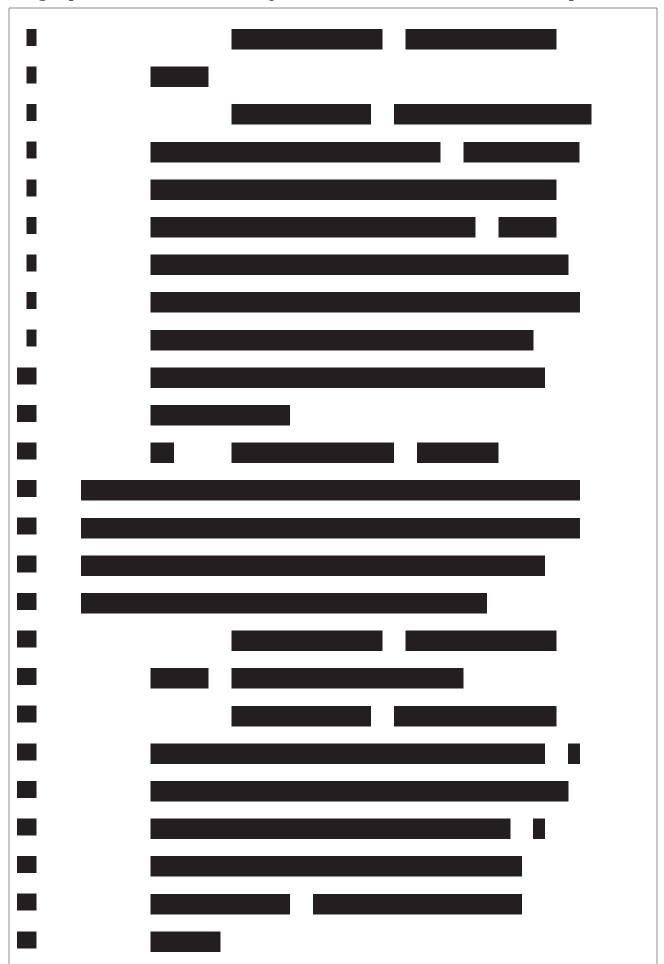


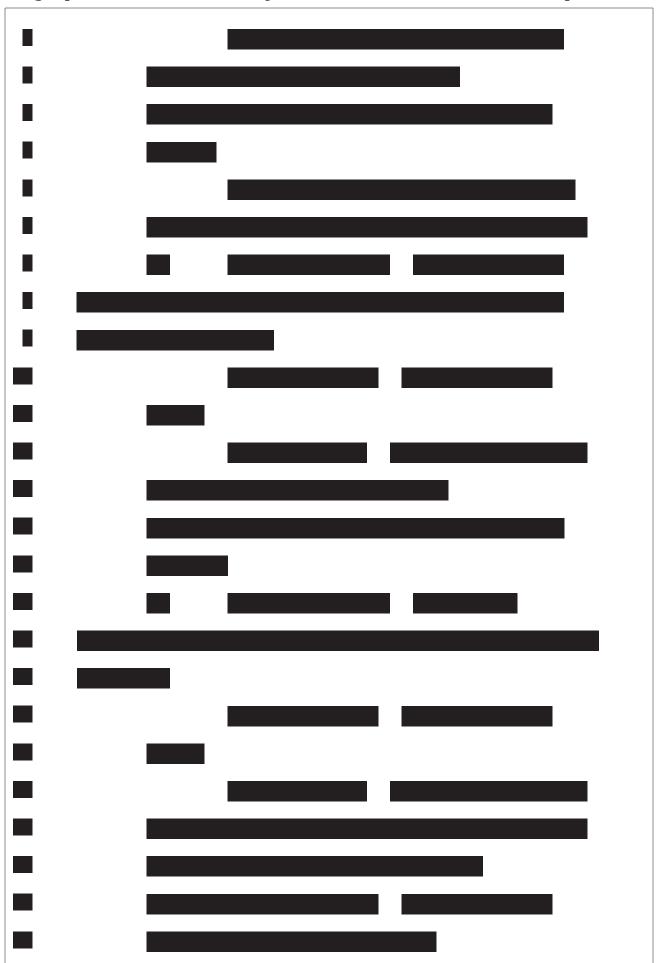


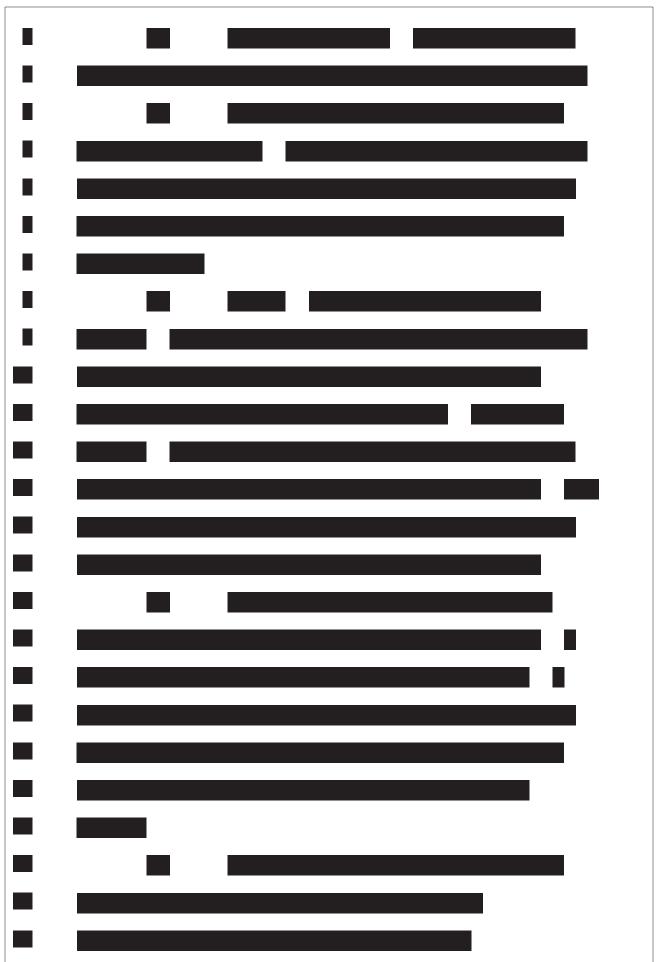
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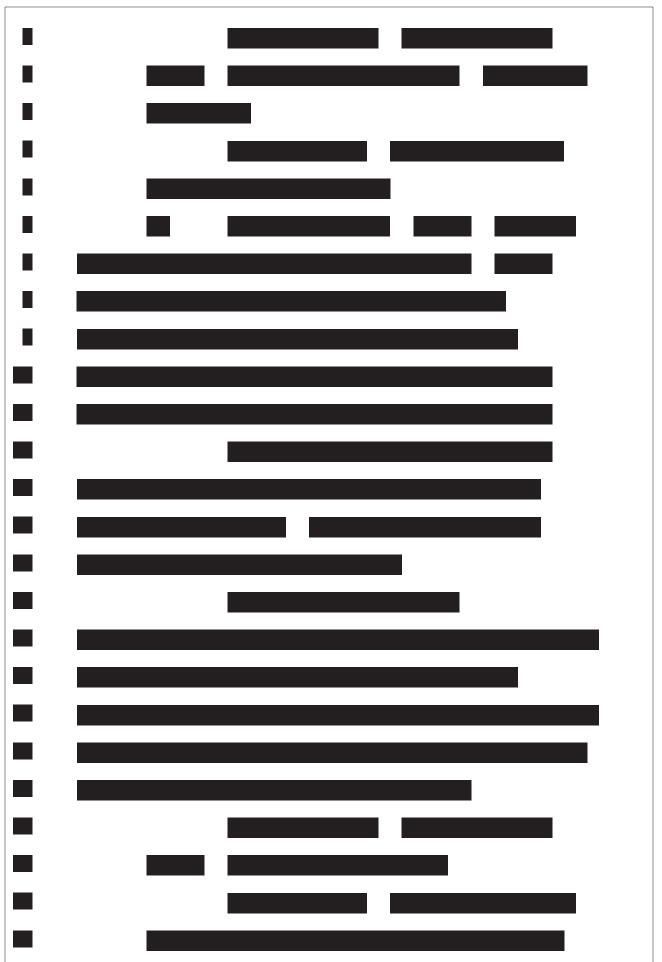


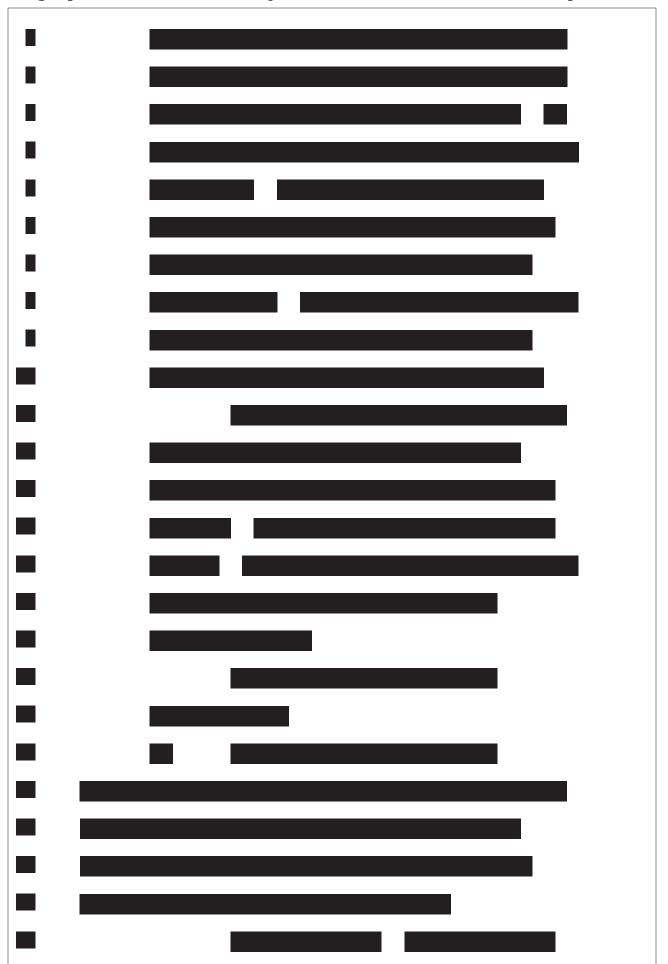


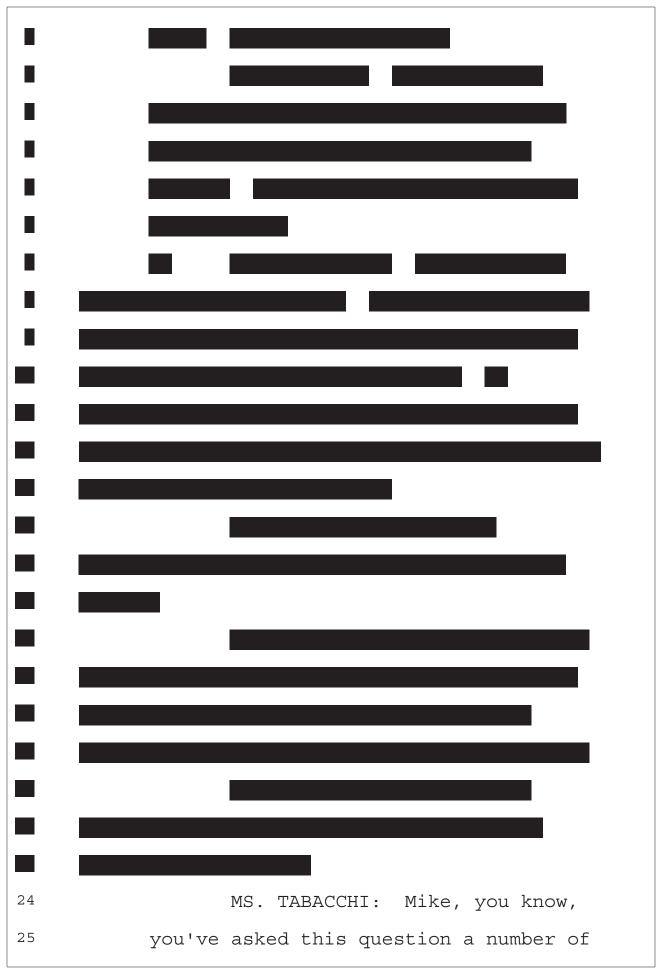




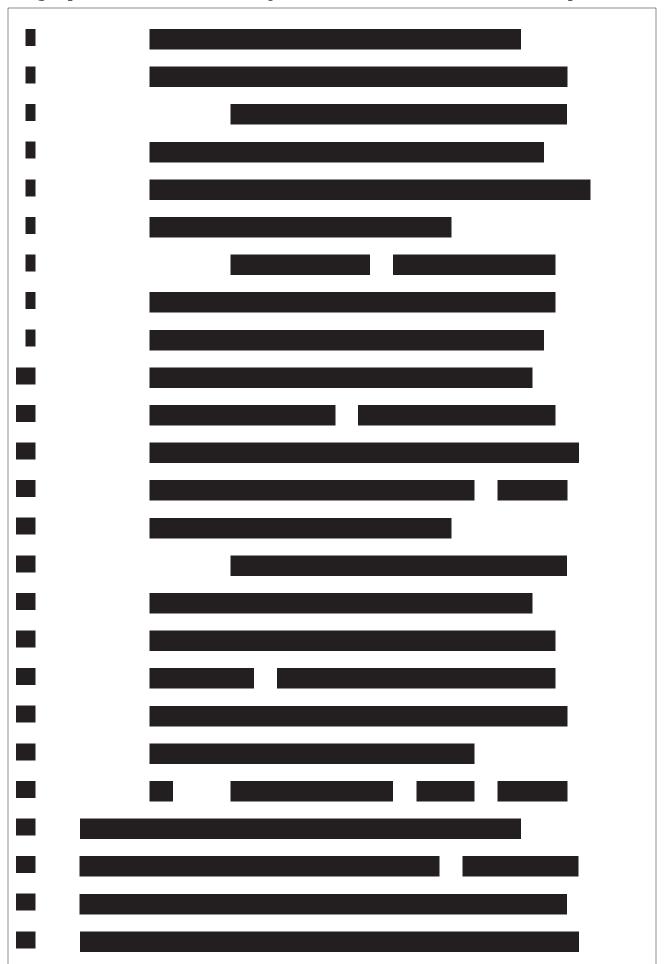
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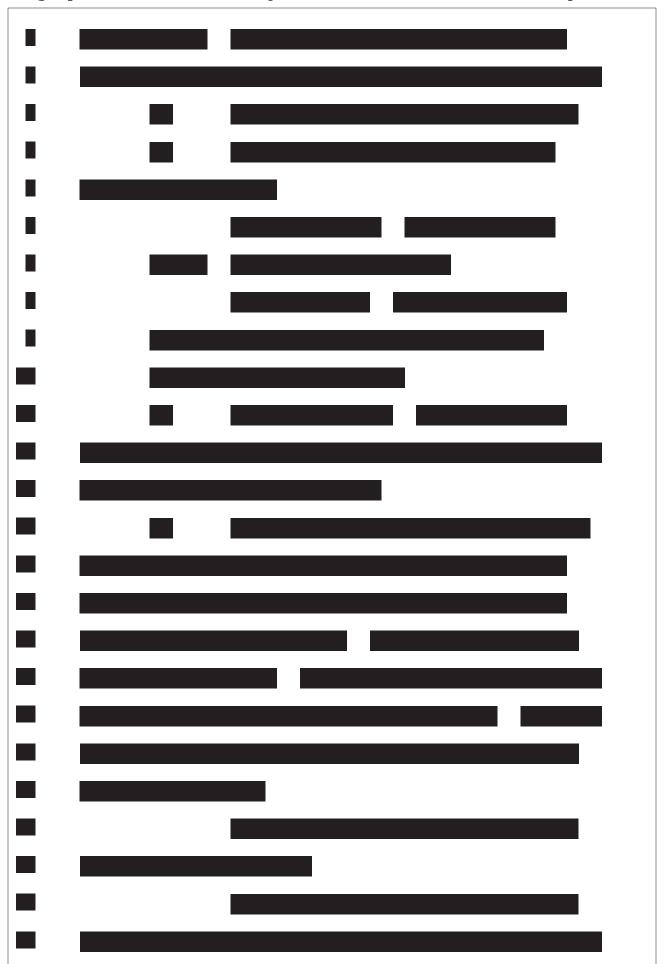




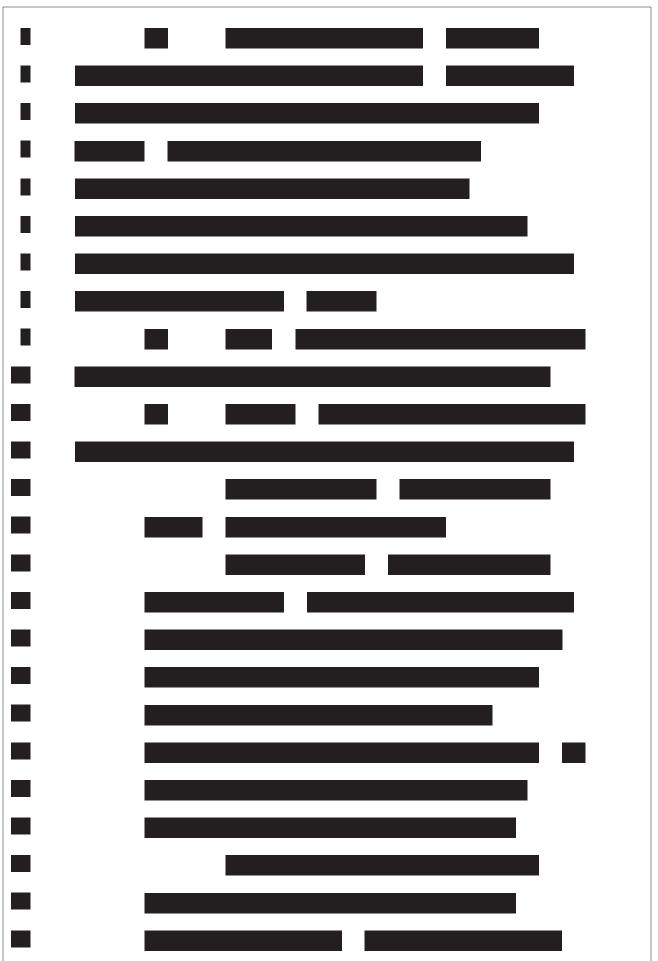


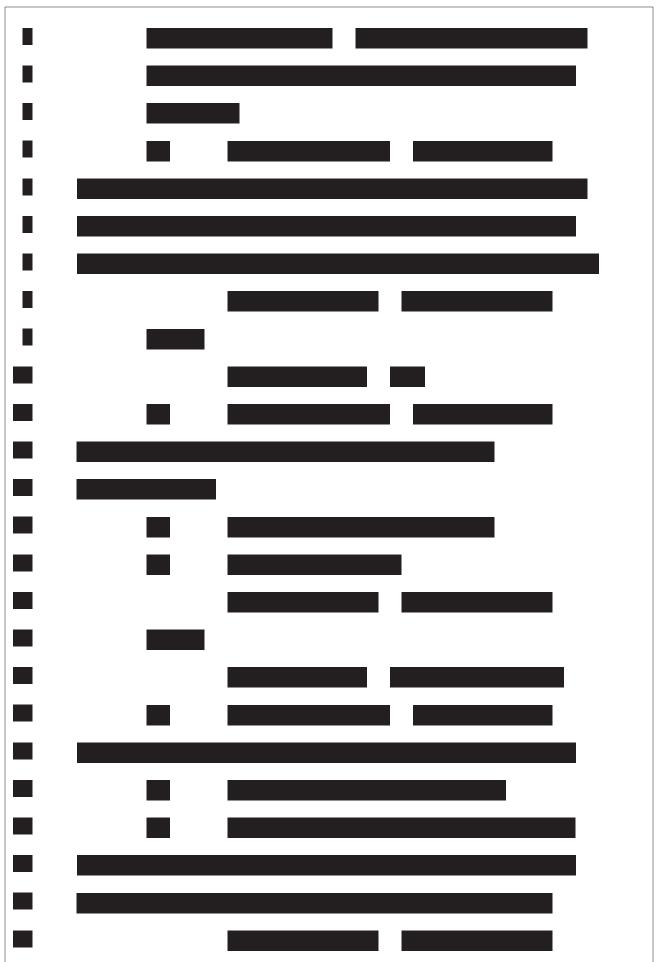
1	times.
2	MR. INNES: And the answer has
3	changed a couple of times.
4	MS. TABACCHI: I think she's
5	done her best to give you the answer,
6	and you just don't like it so you keep
7	asking the same question over and over
8	and over.
9	MR. INNES: I have to keep
10	following up on different pieces of
11	information and data points that she's
12	giving me.
13	And to be clear, I'm not
14	MS. TABACCHI: You're not
15	trying to harass the witness?
16	MR. INNES: I'm trying not to
17	harass you. And this is part of the
18	stilted nature of such a conversation
19	where I'm addressing your counsel.
20	And I don't mean to be rude.
_	
<b>—</b>	
_	
_	

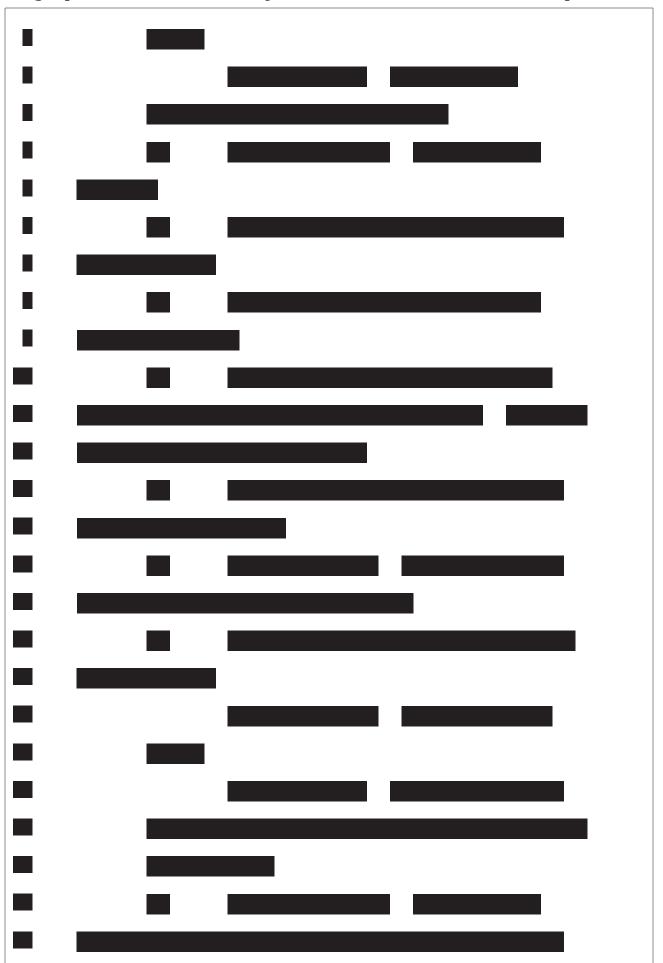


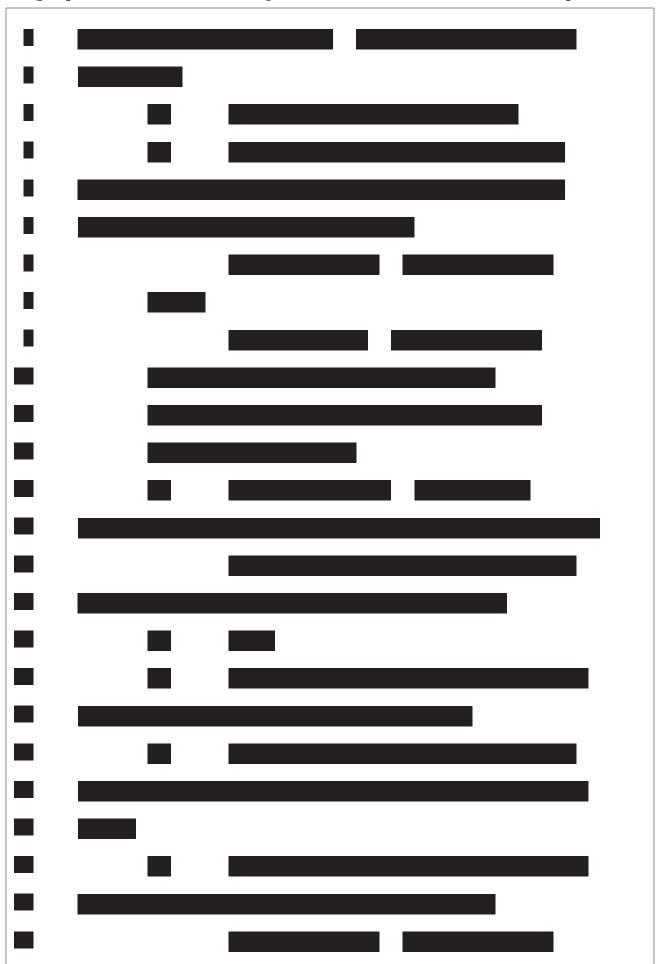


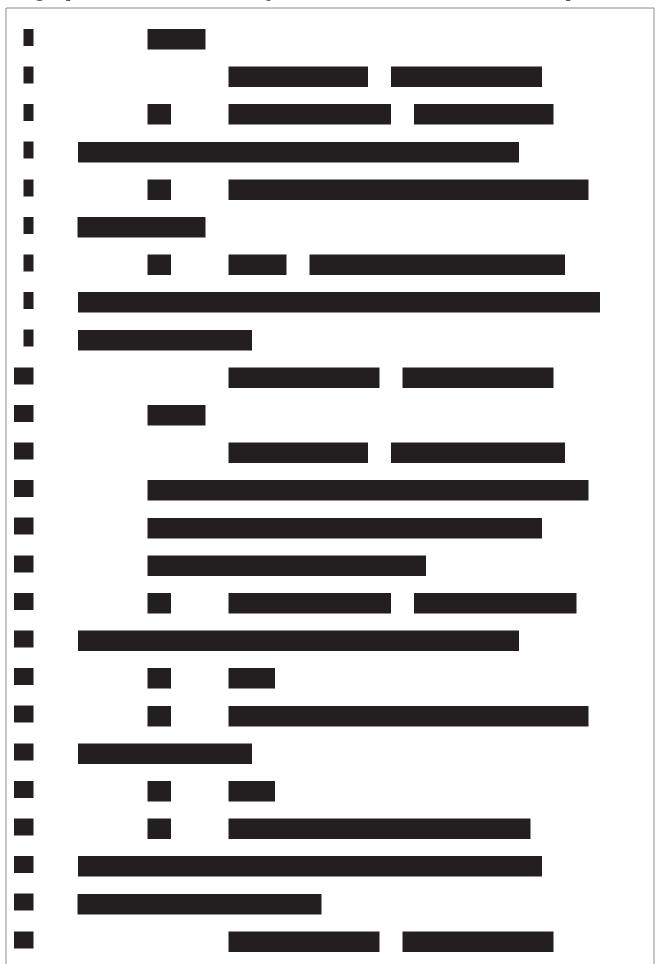
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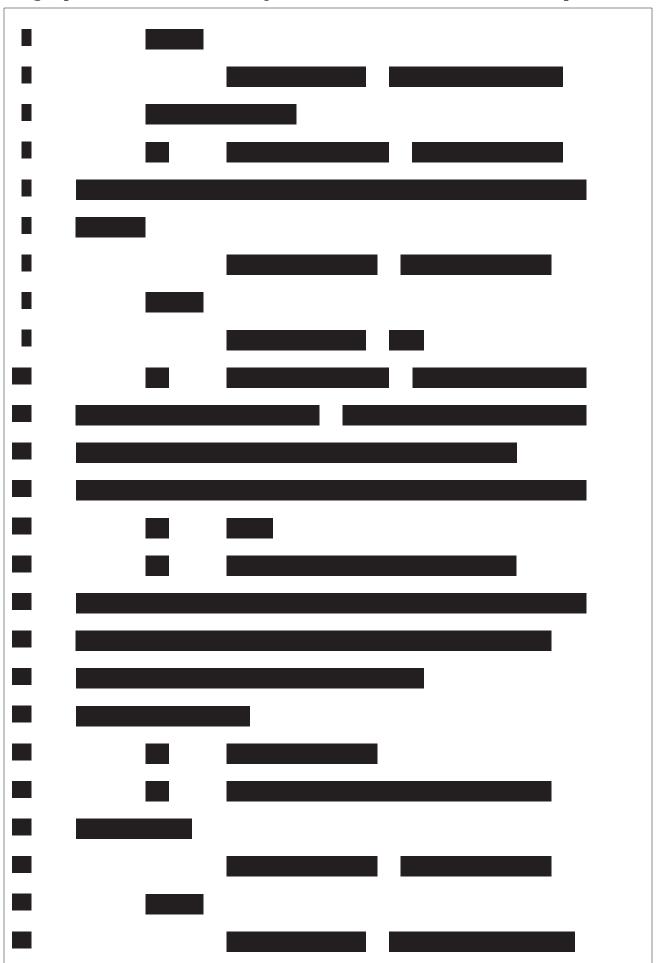






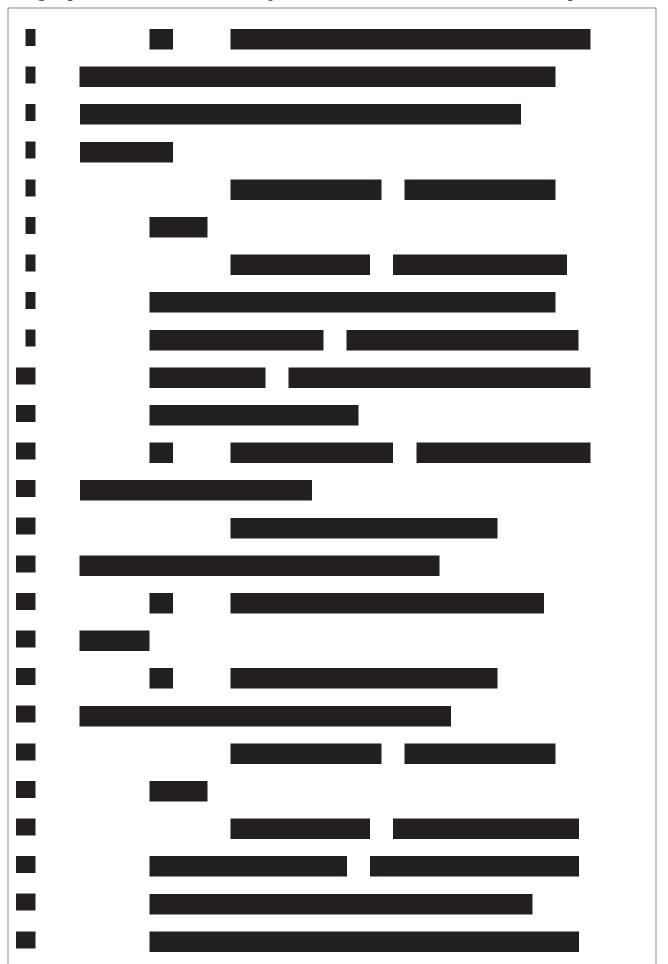


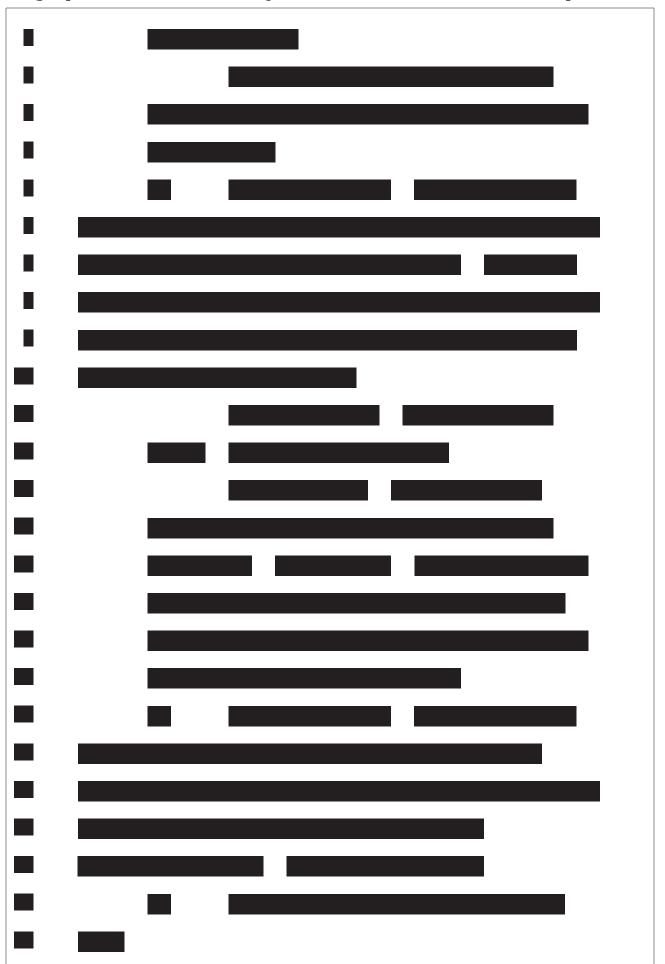


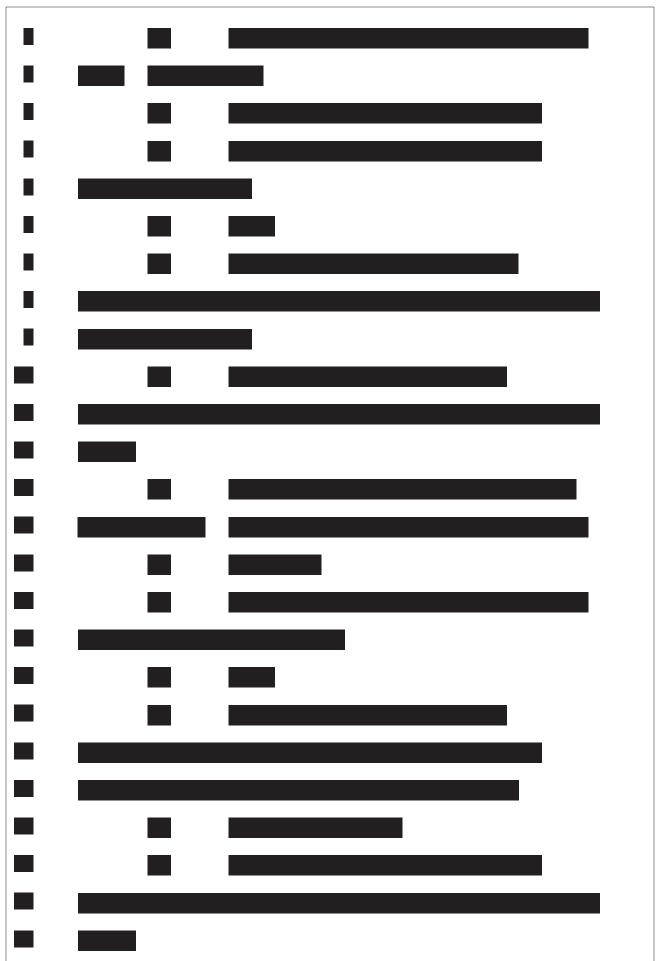


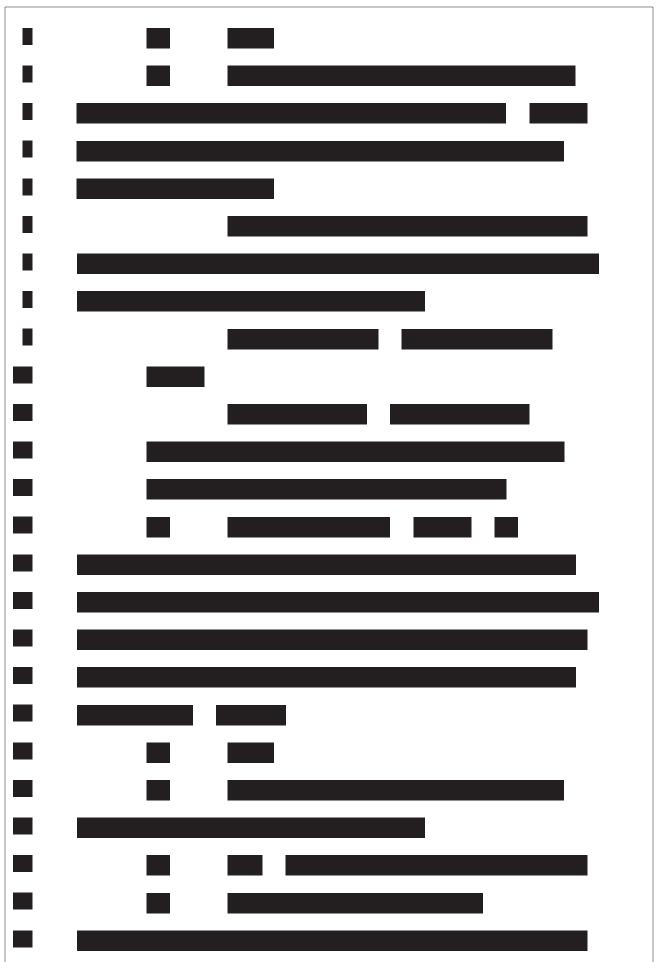


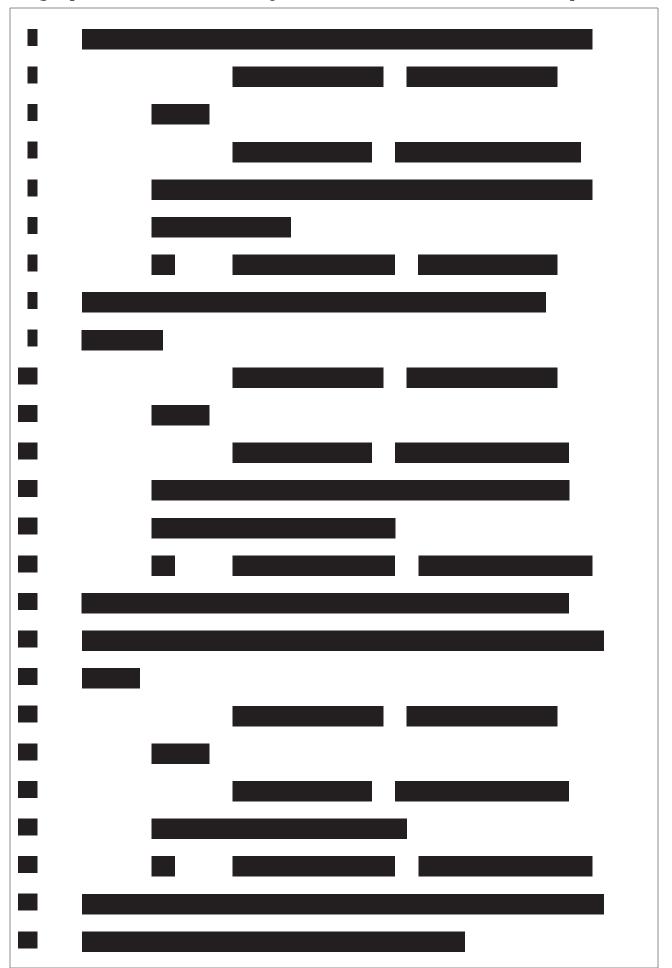


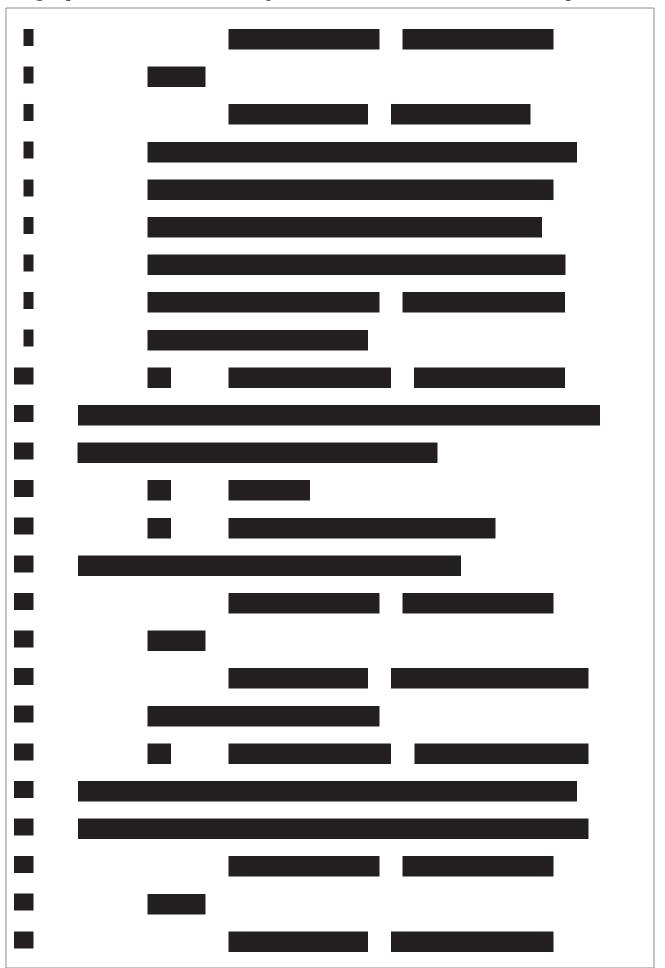


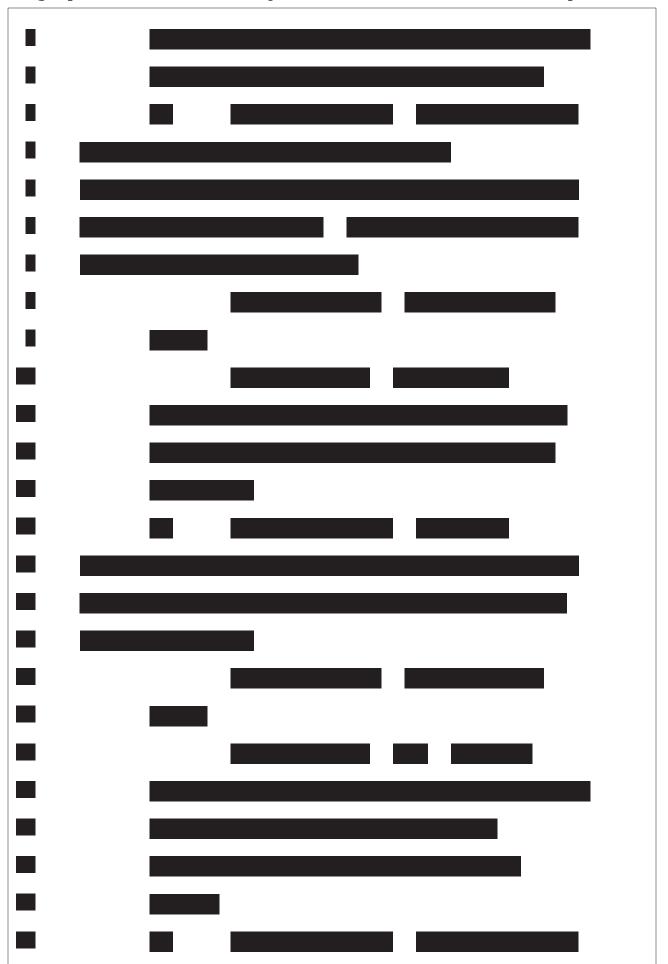


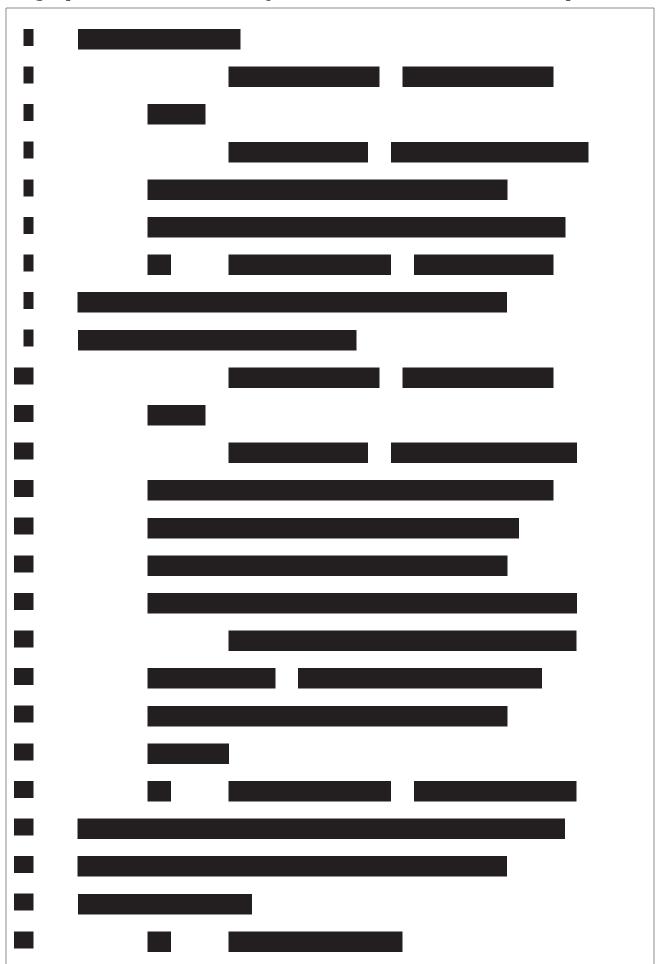


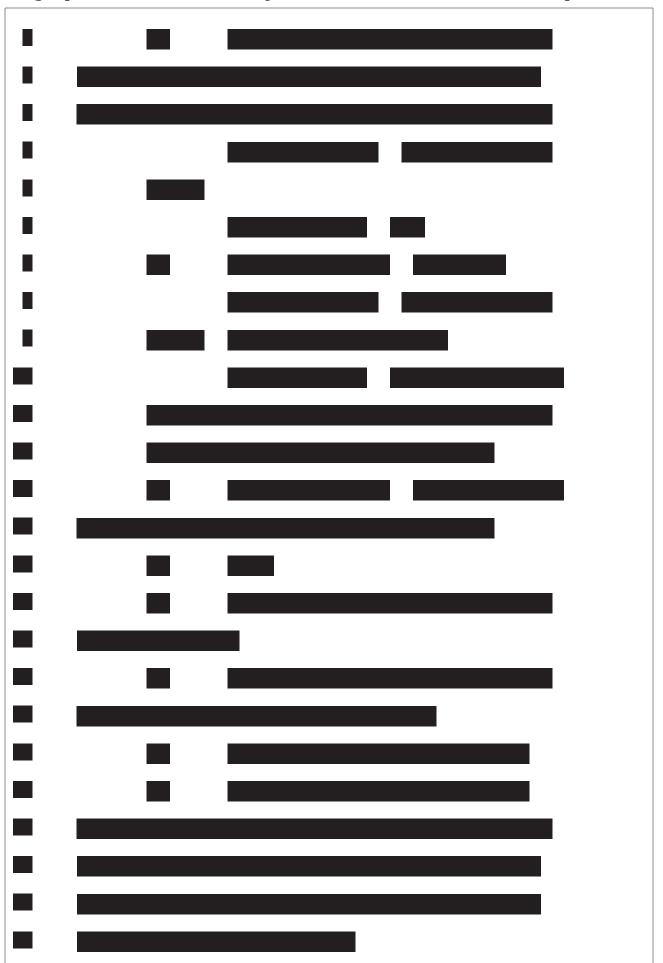


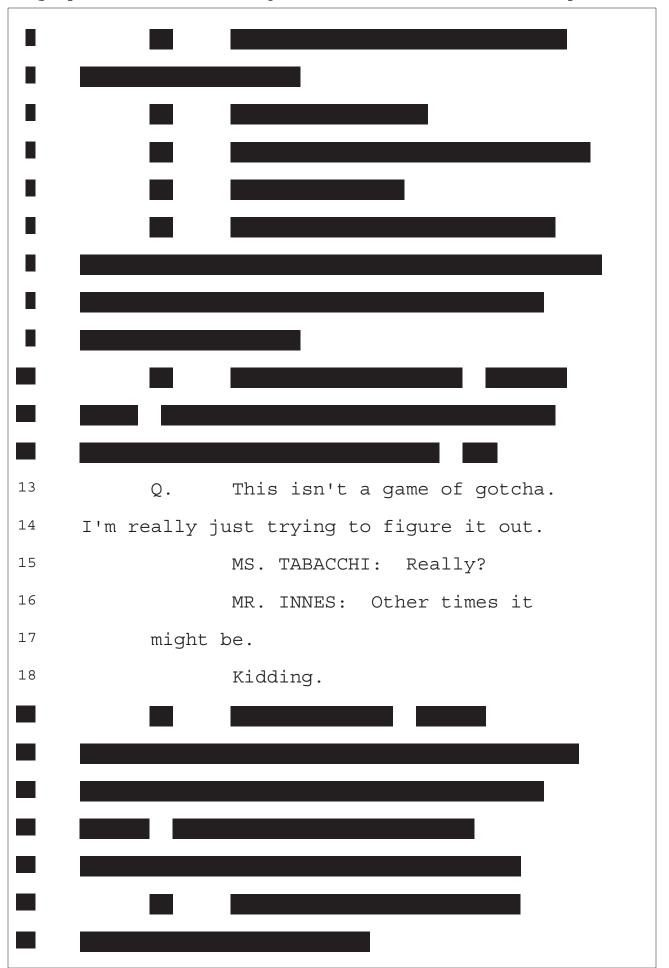


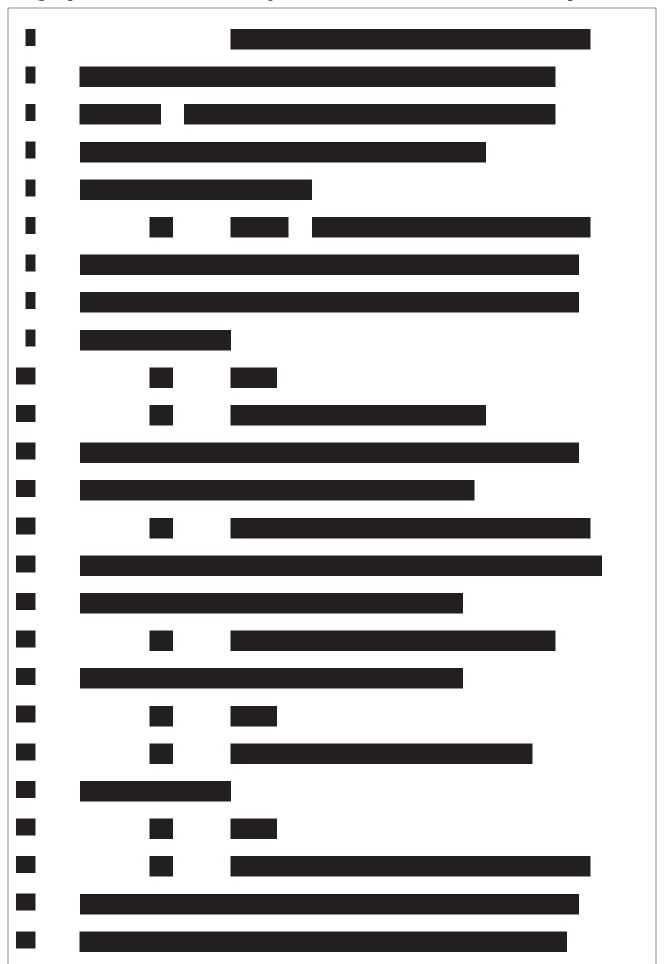


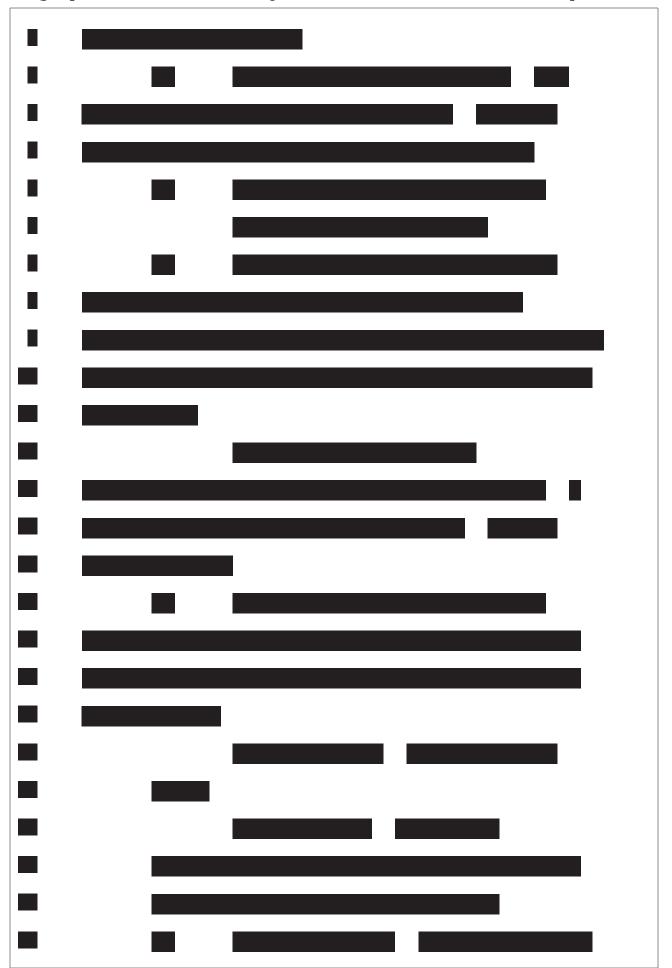


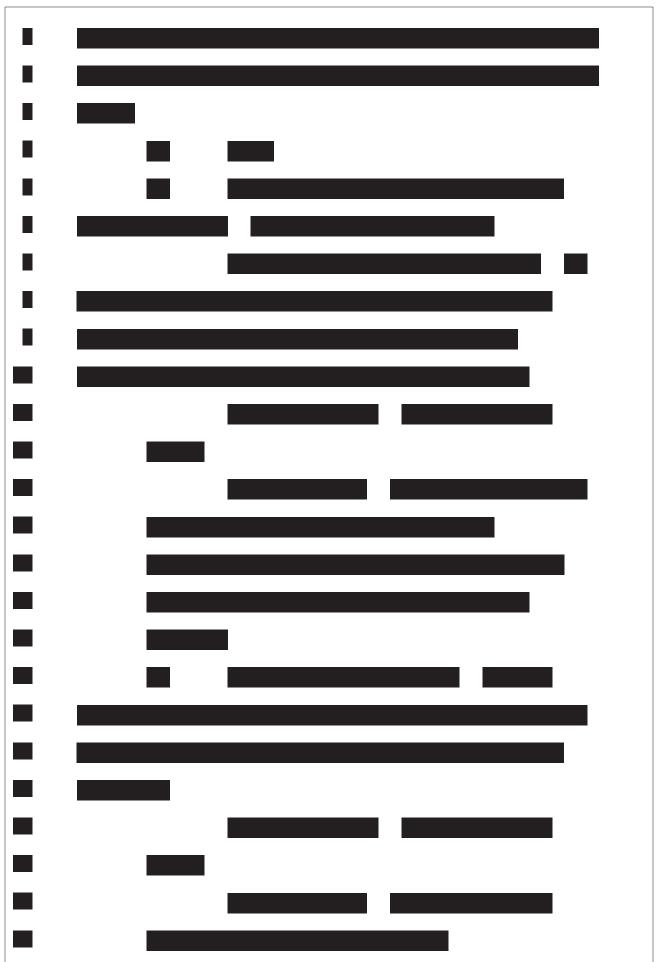


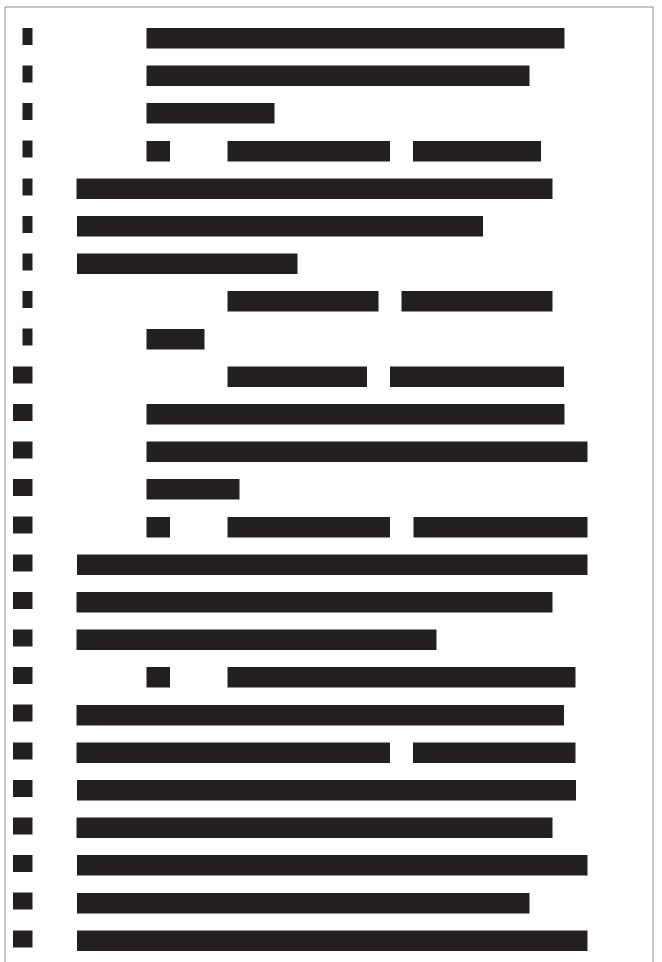


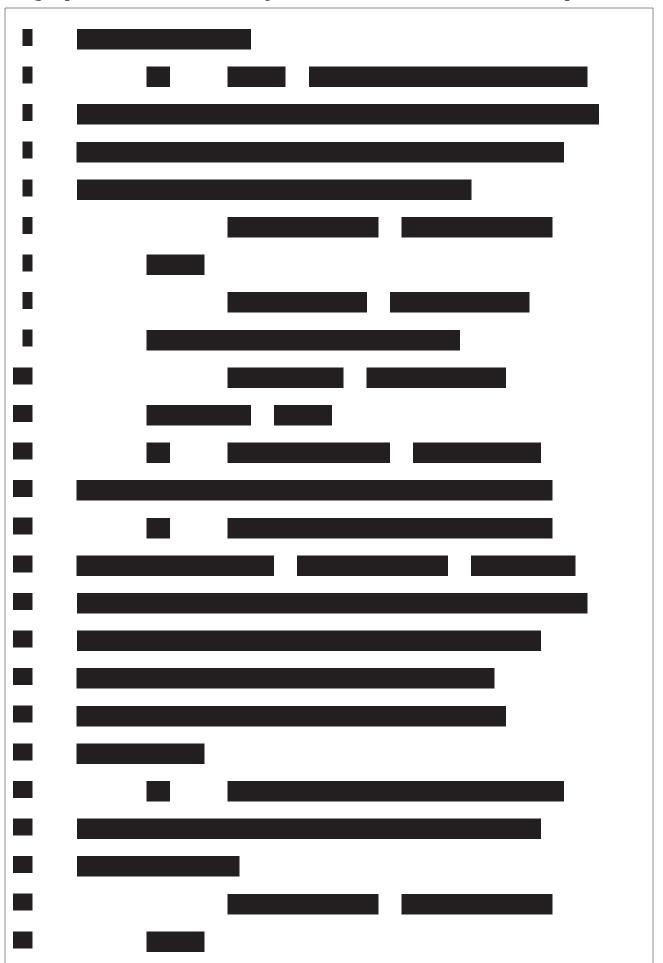


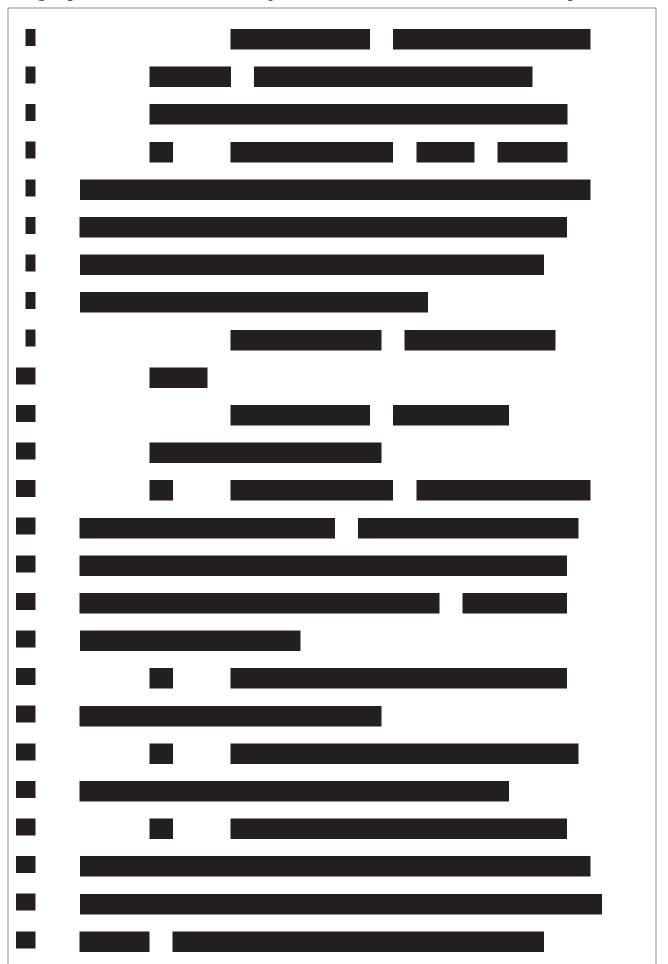


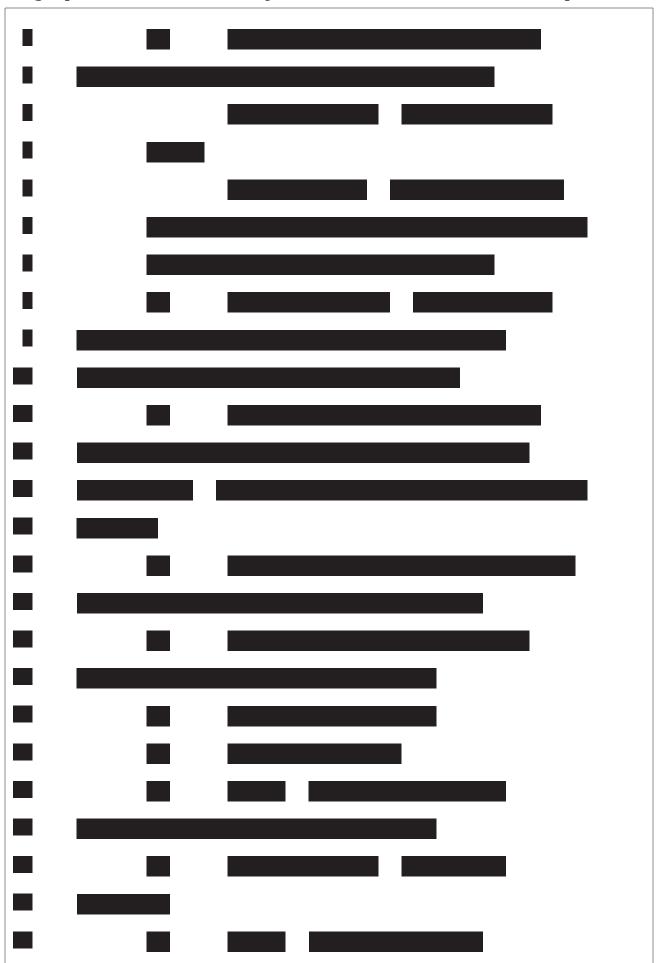


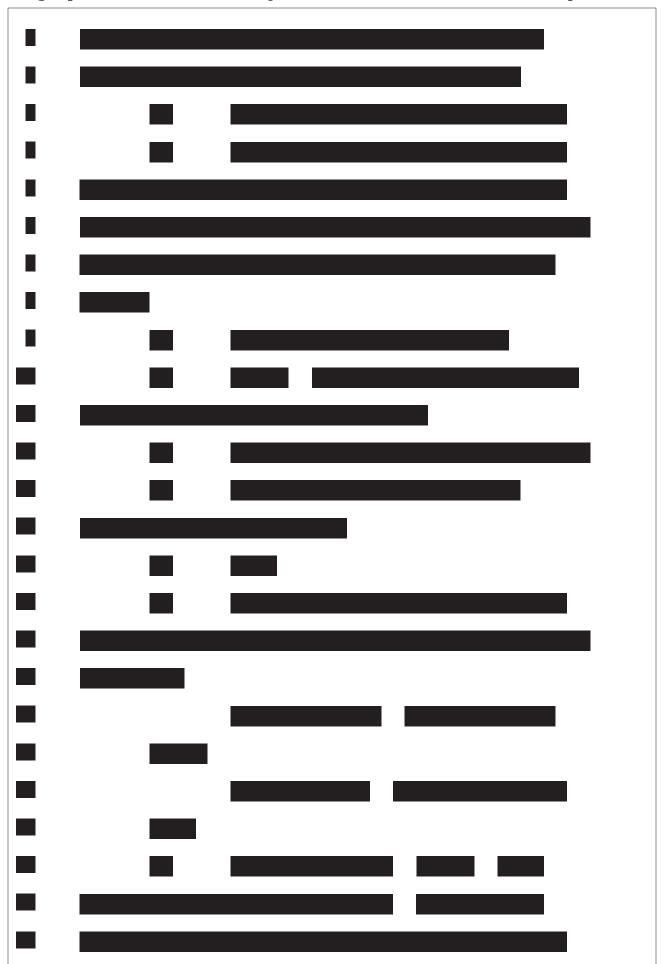


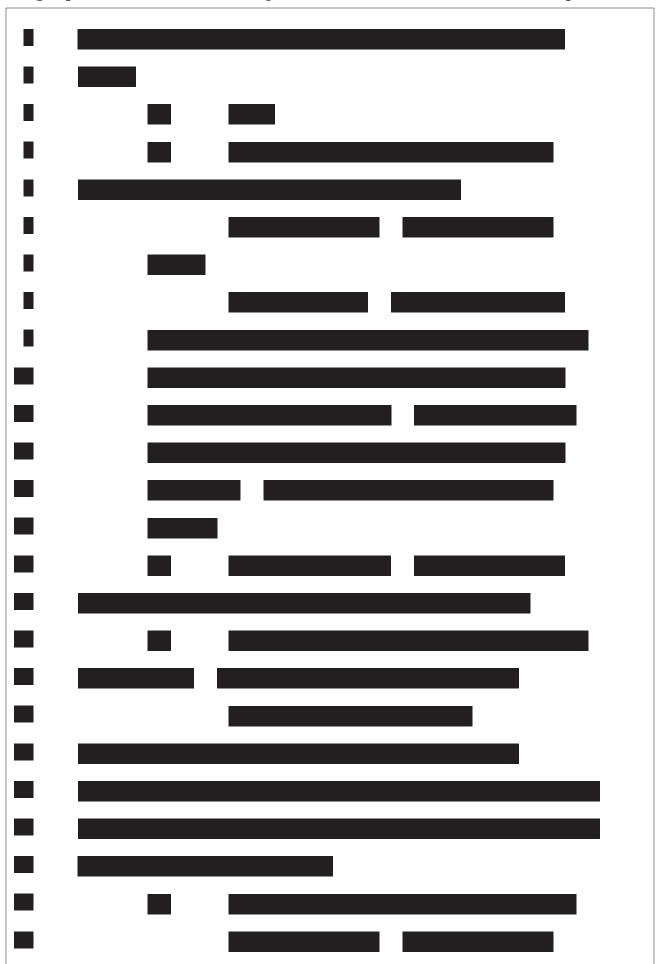


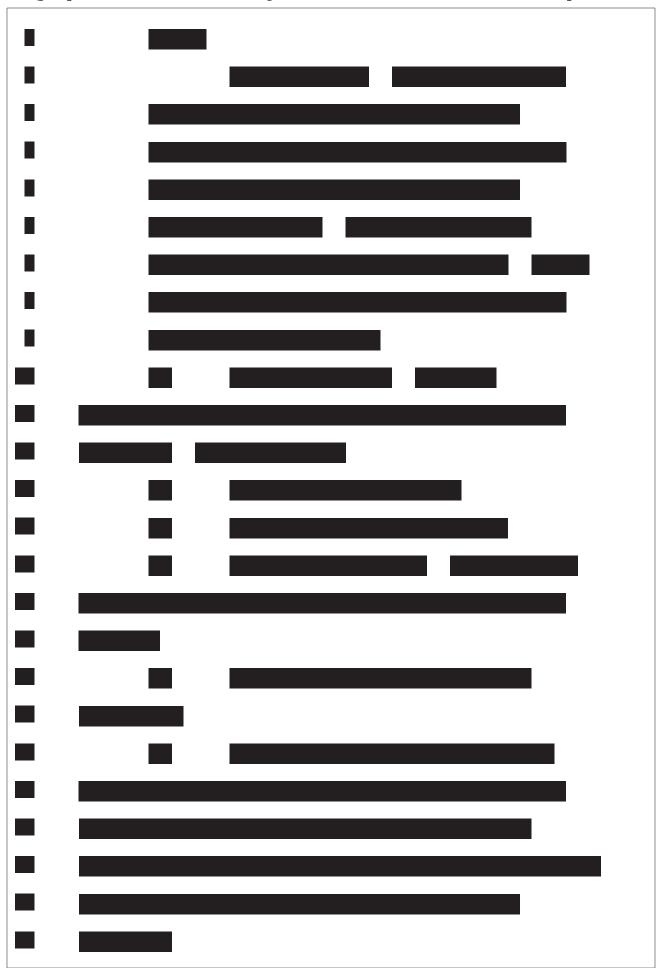


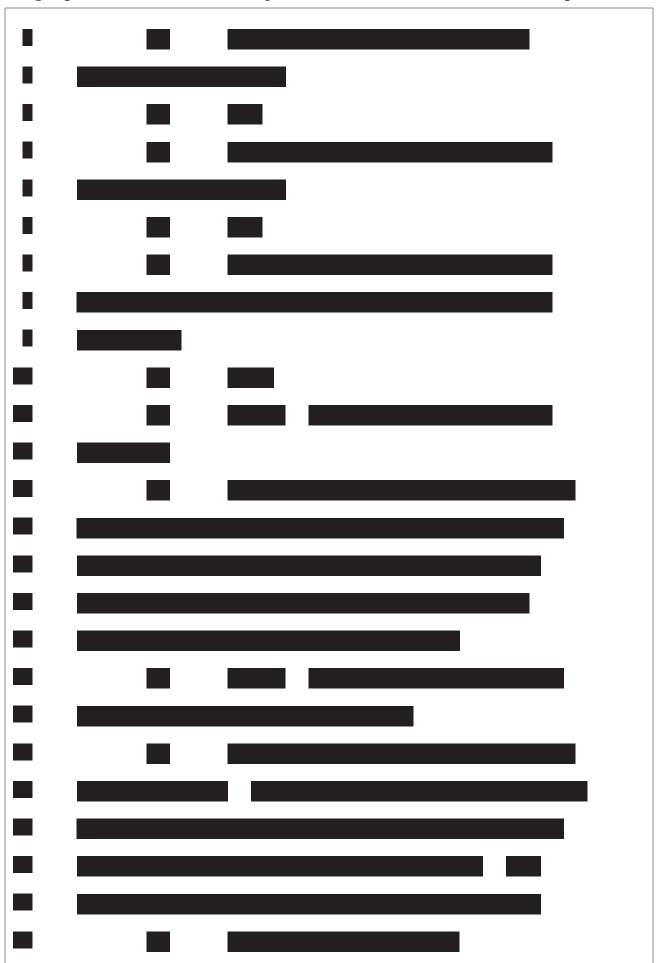


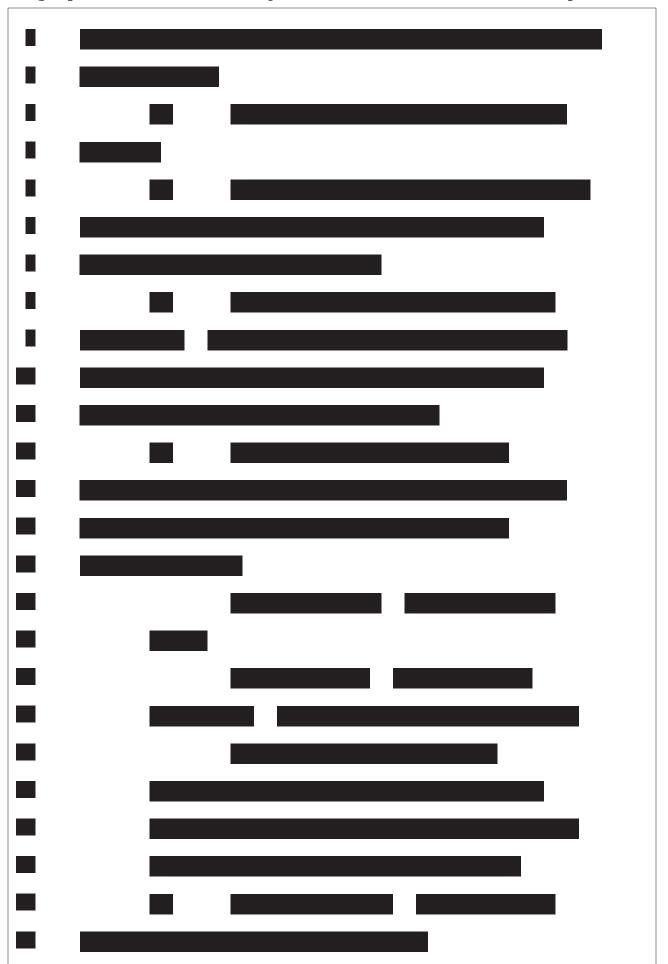


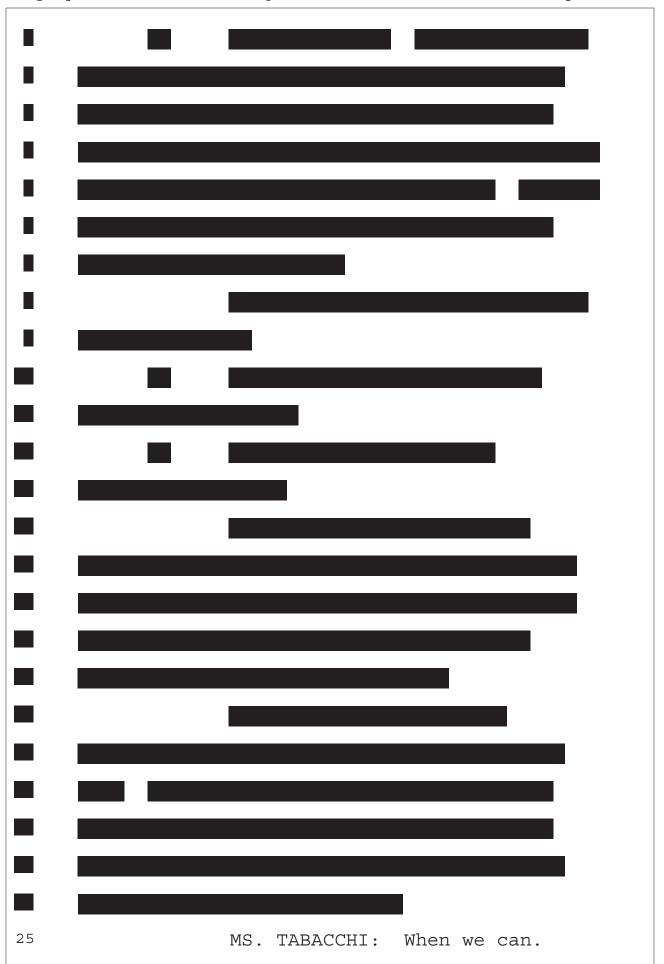


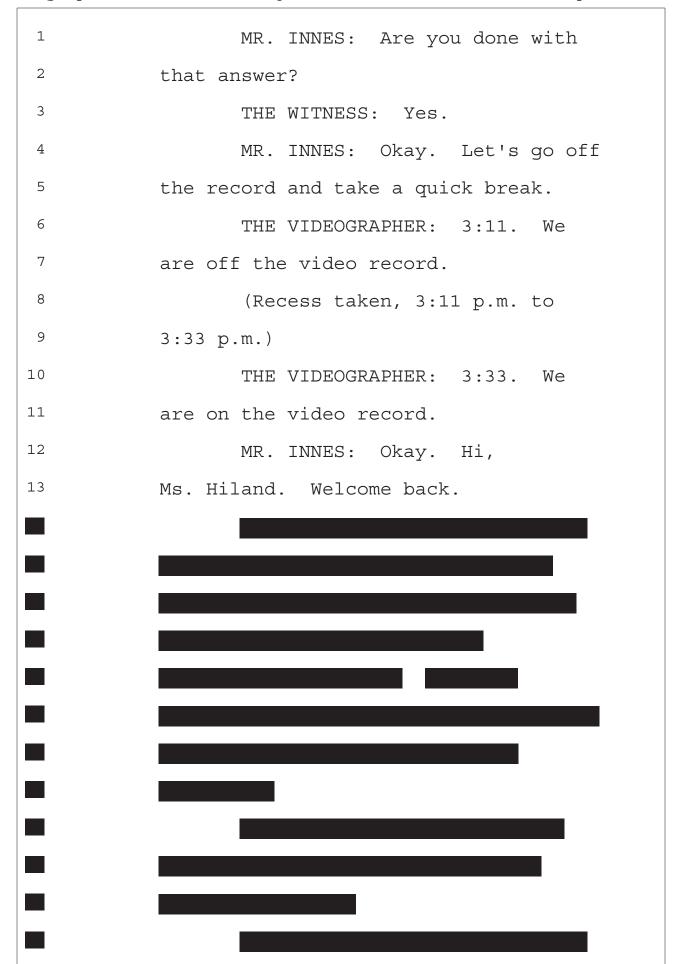


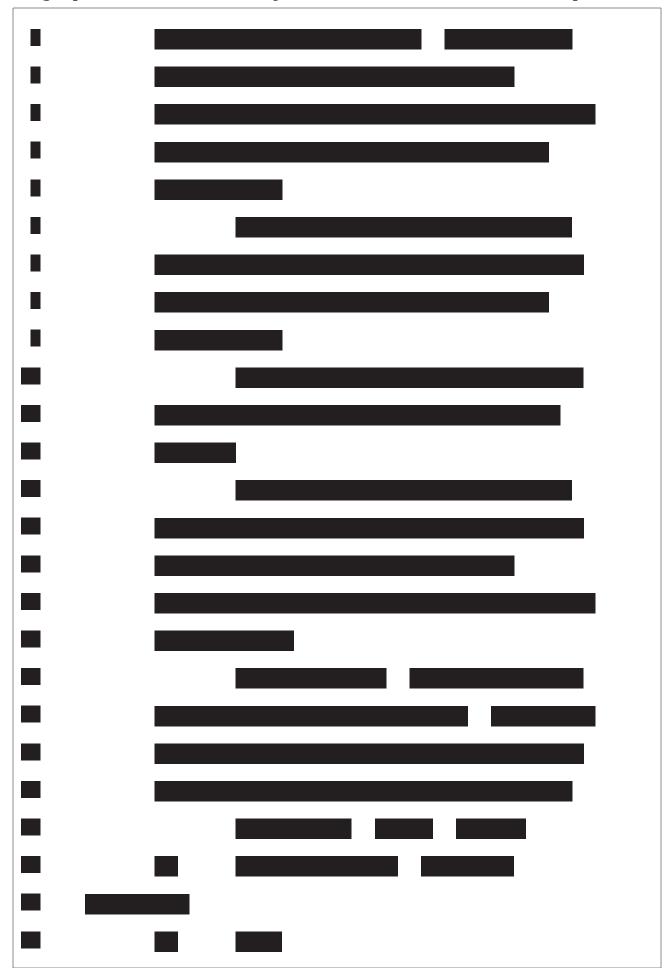


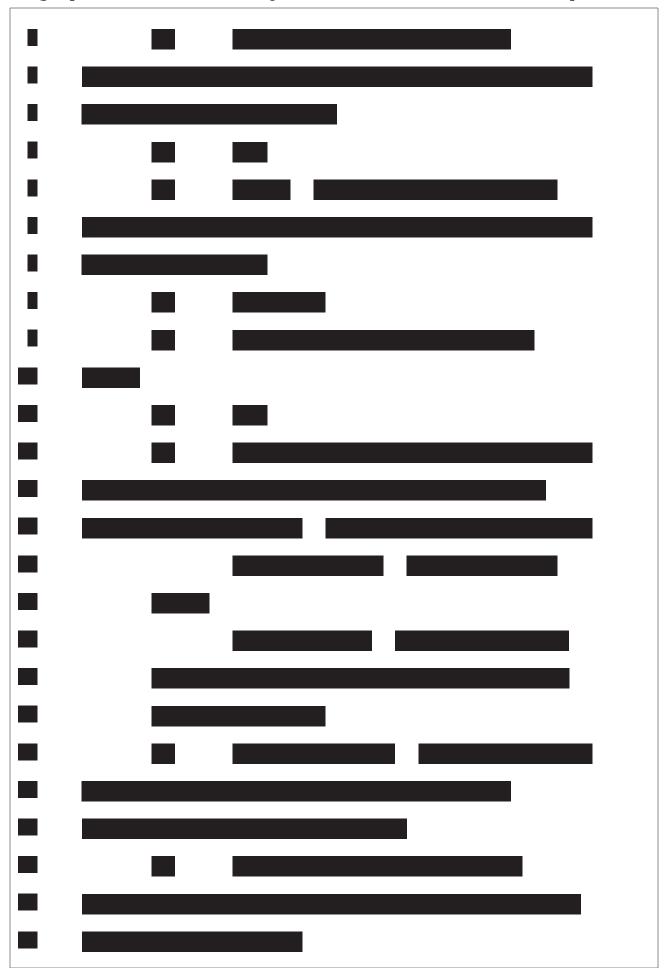


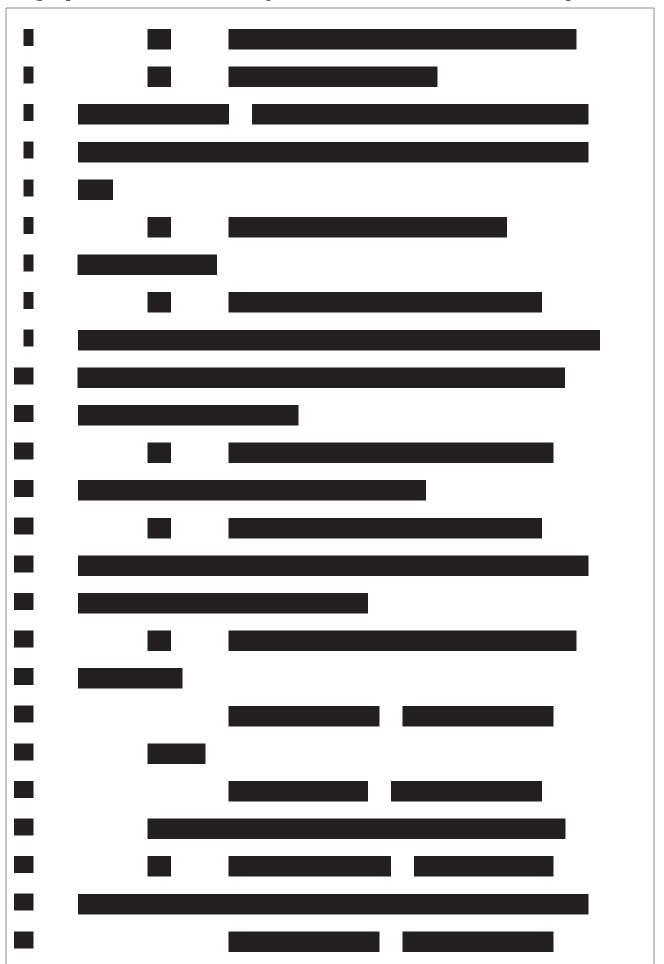


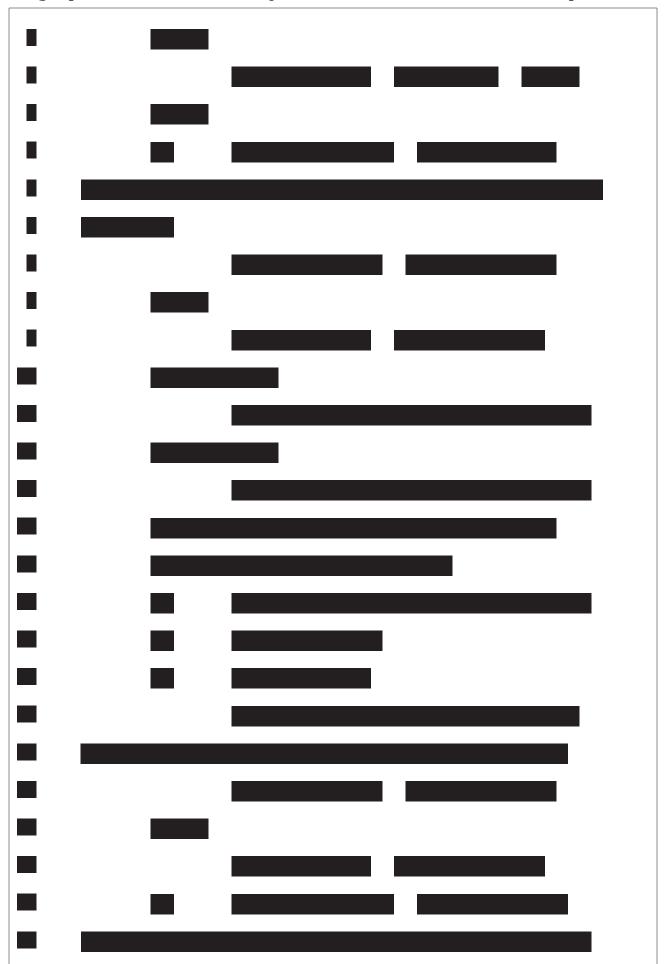


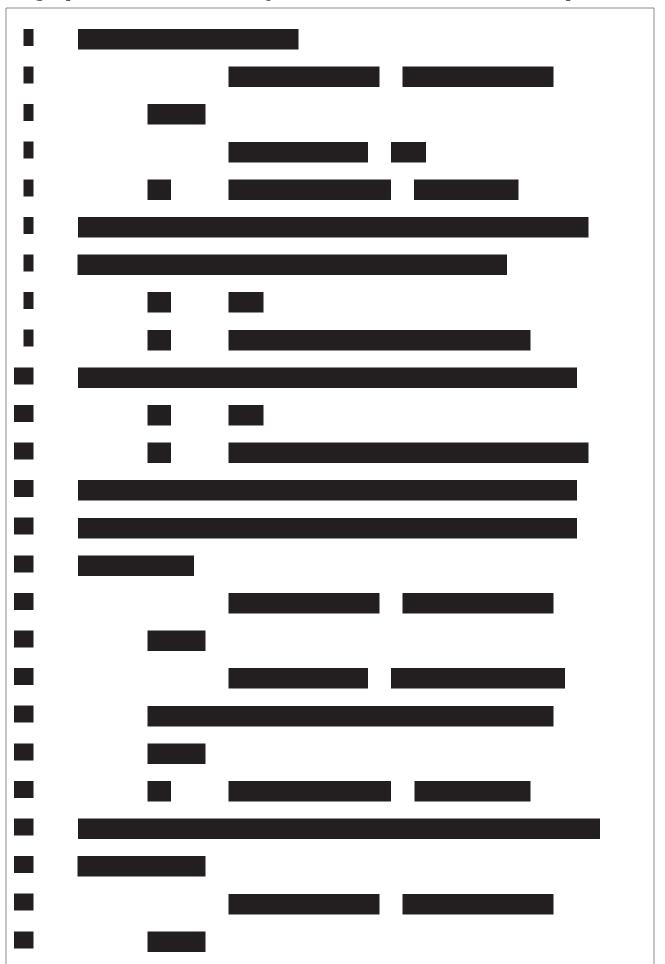


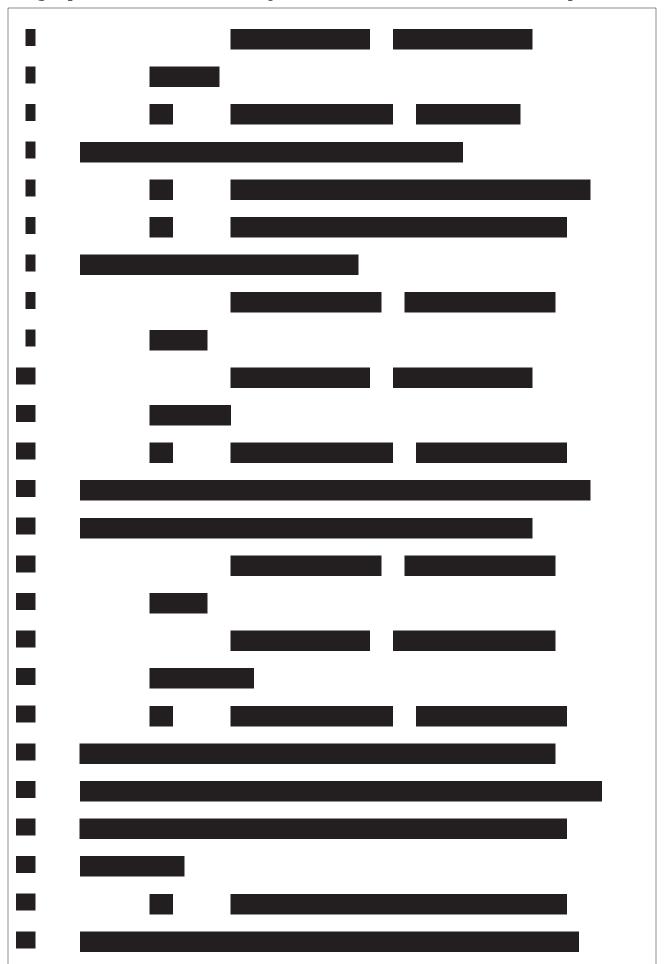


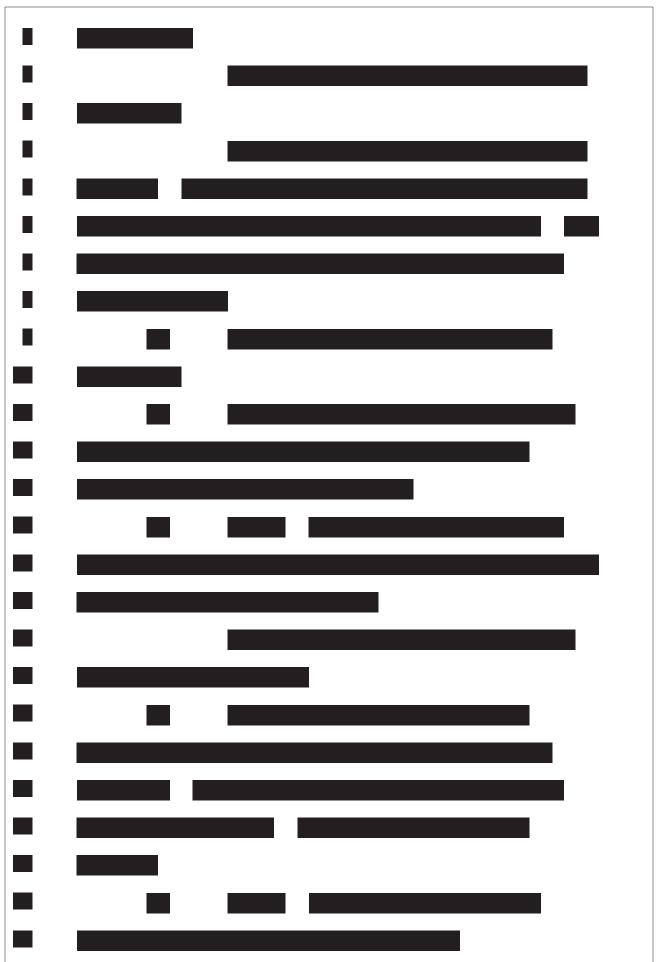


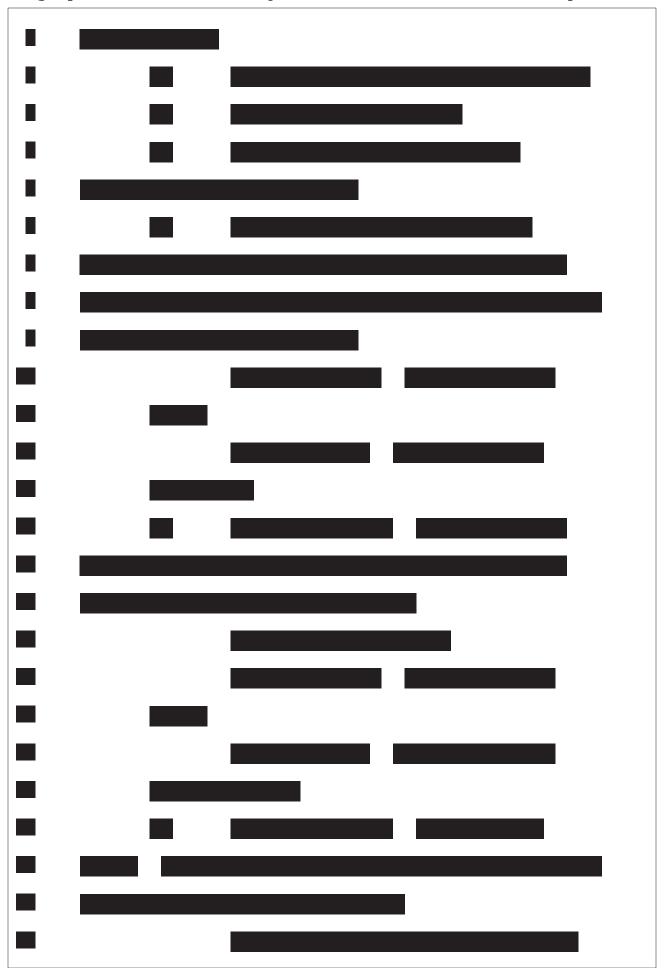


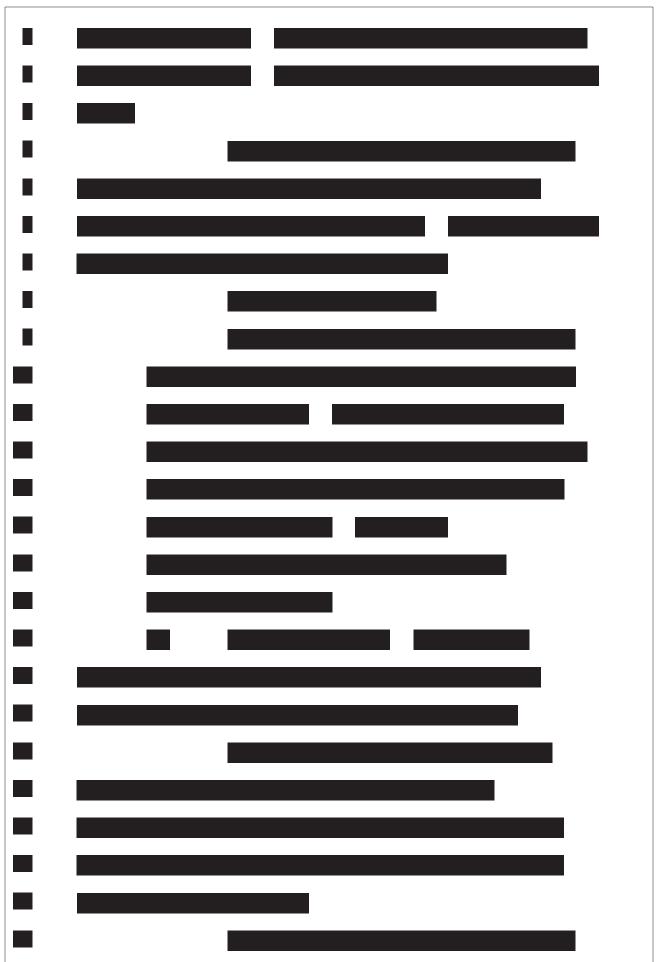


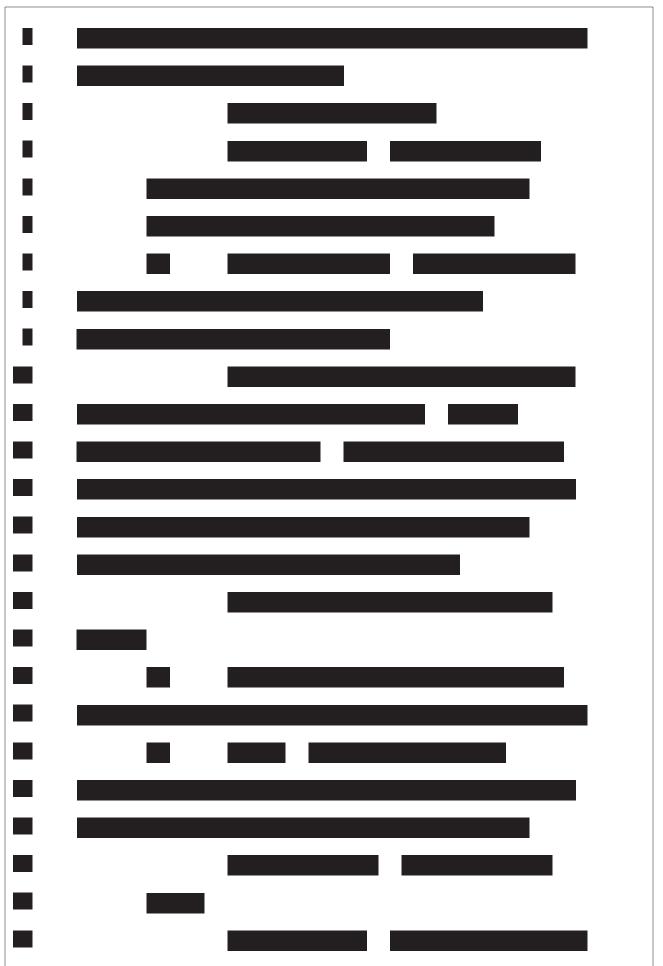


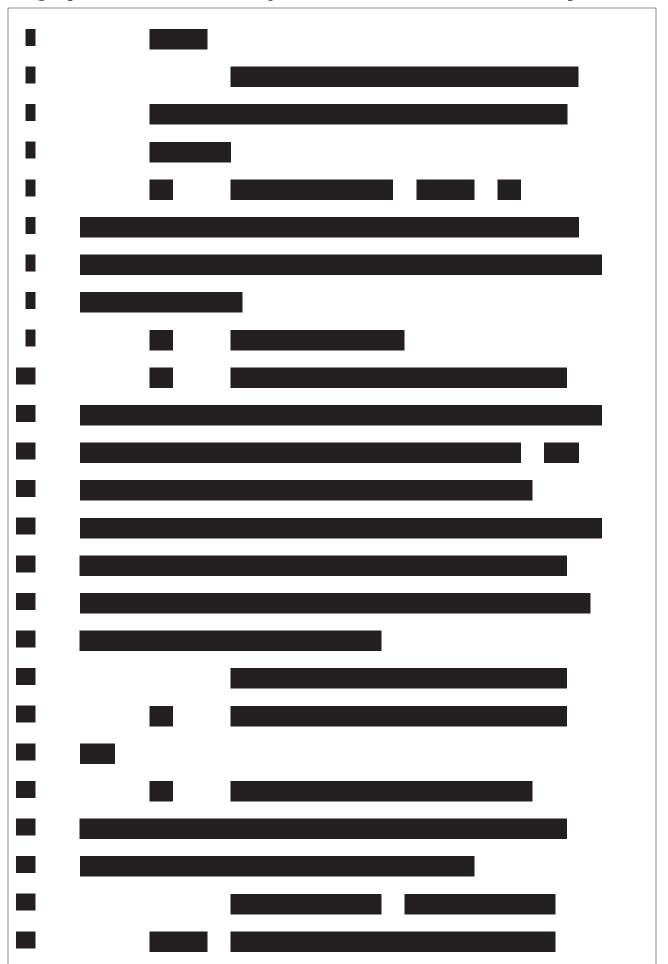


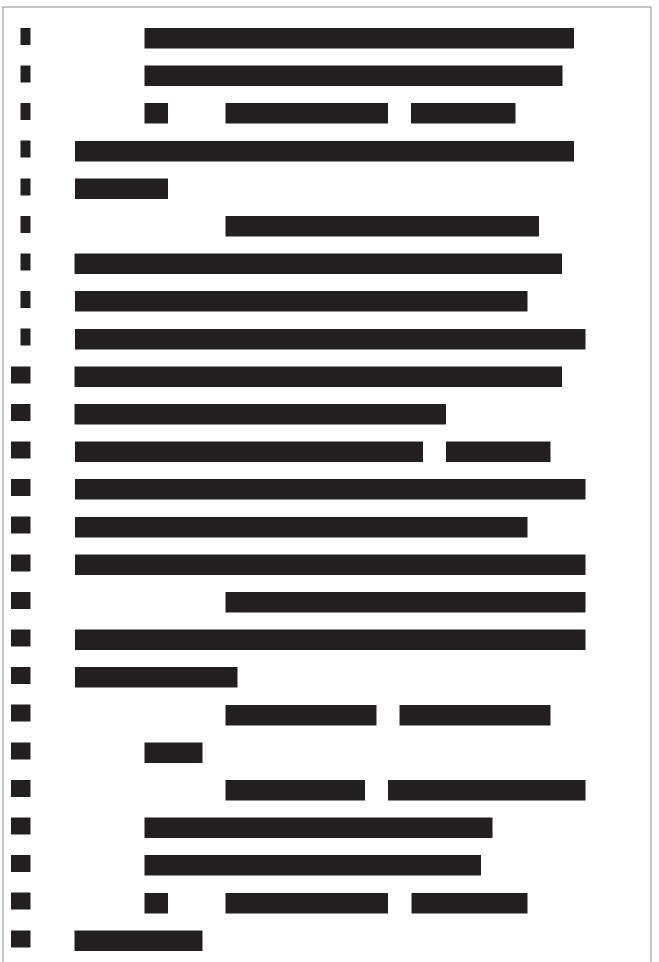


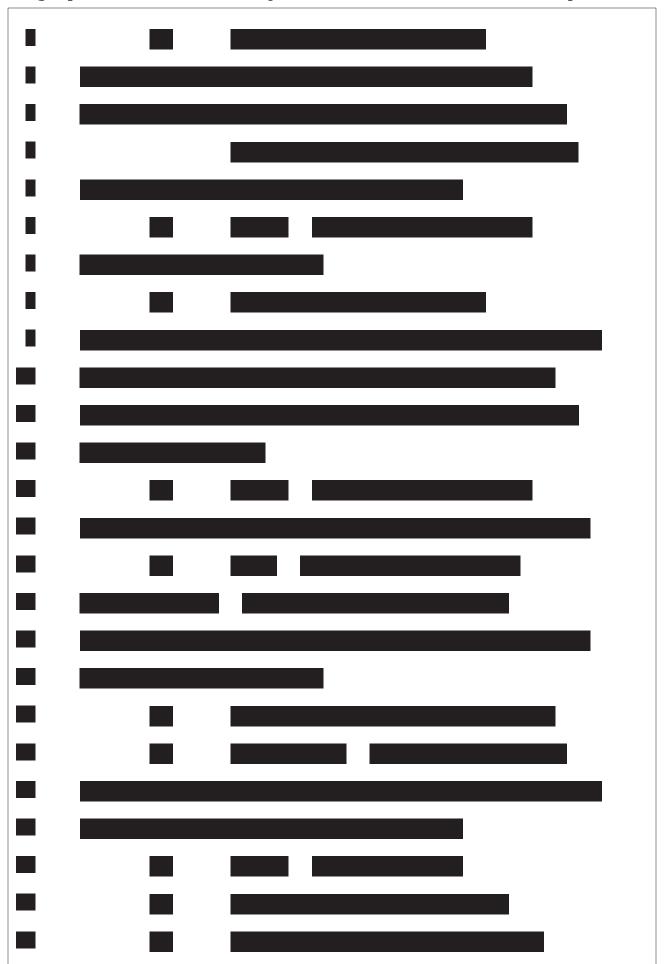


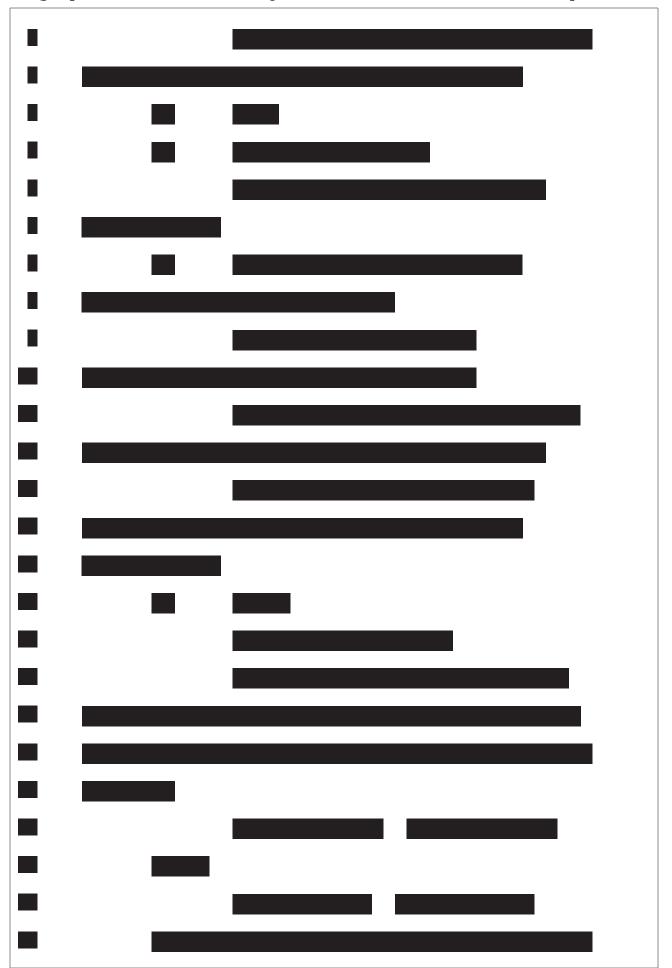




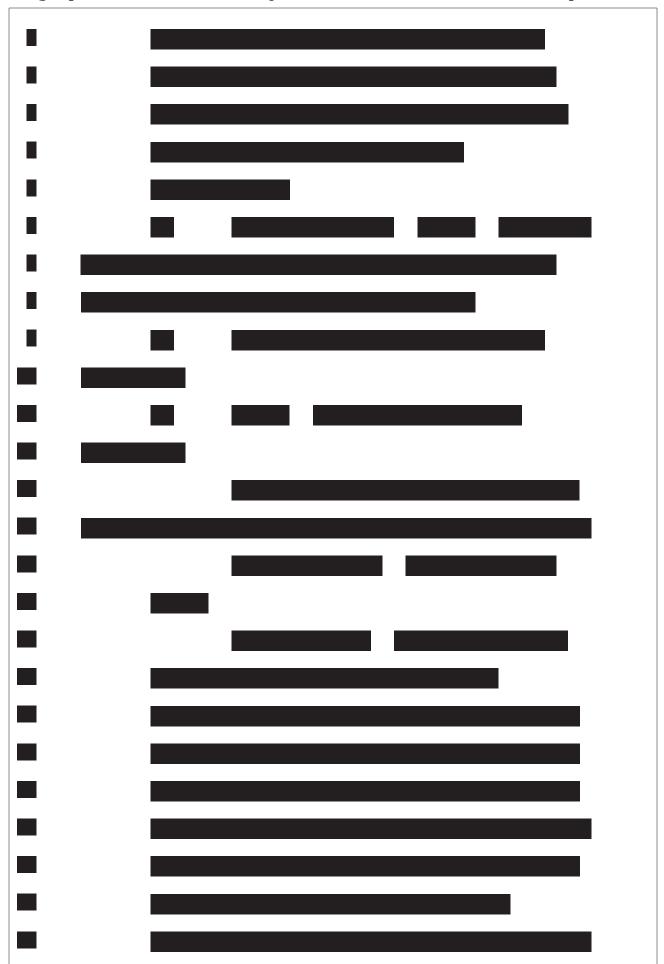


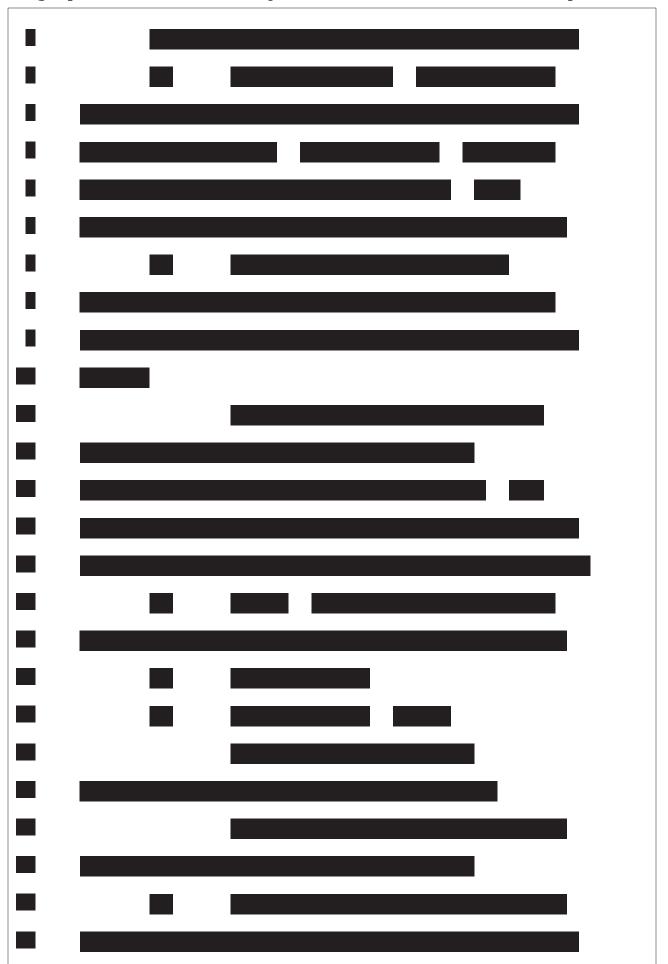




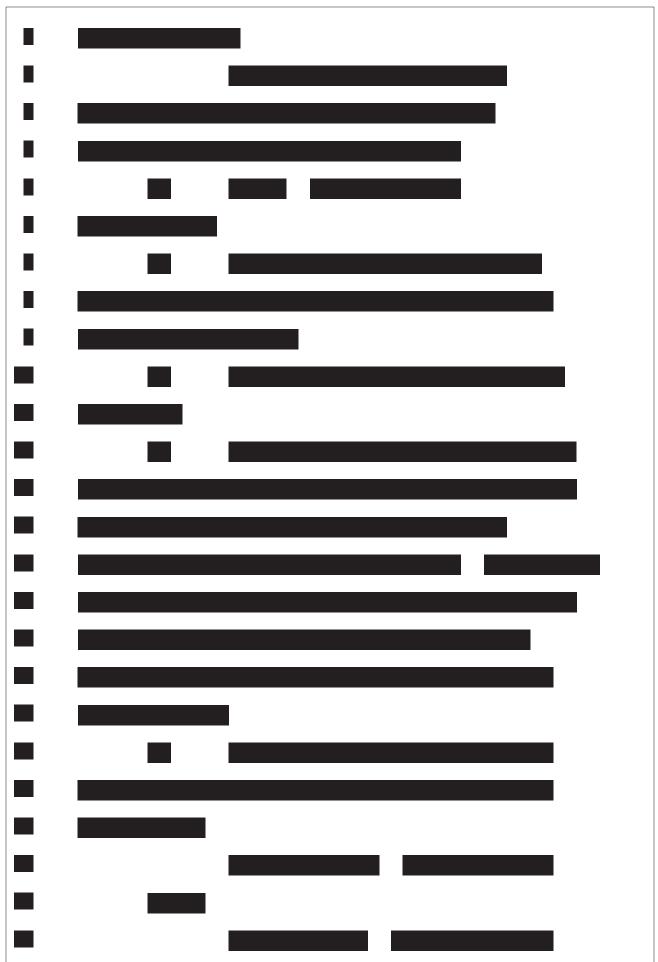


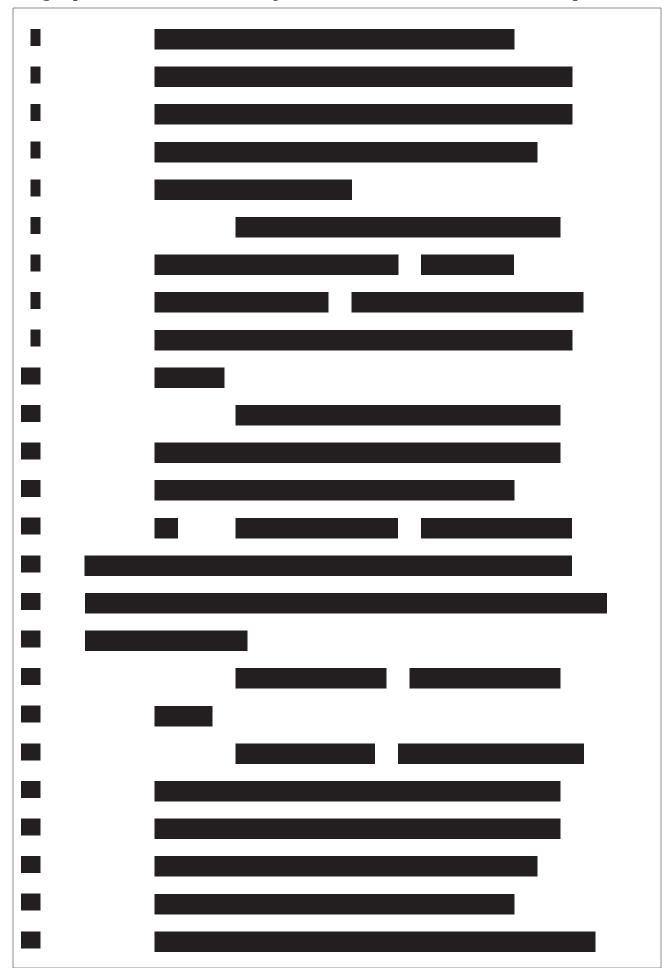
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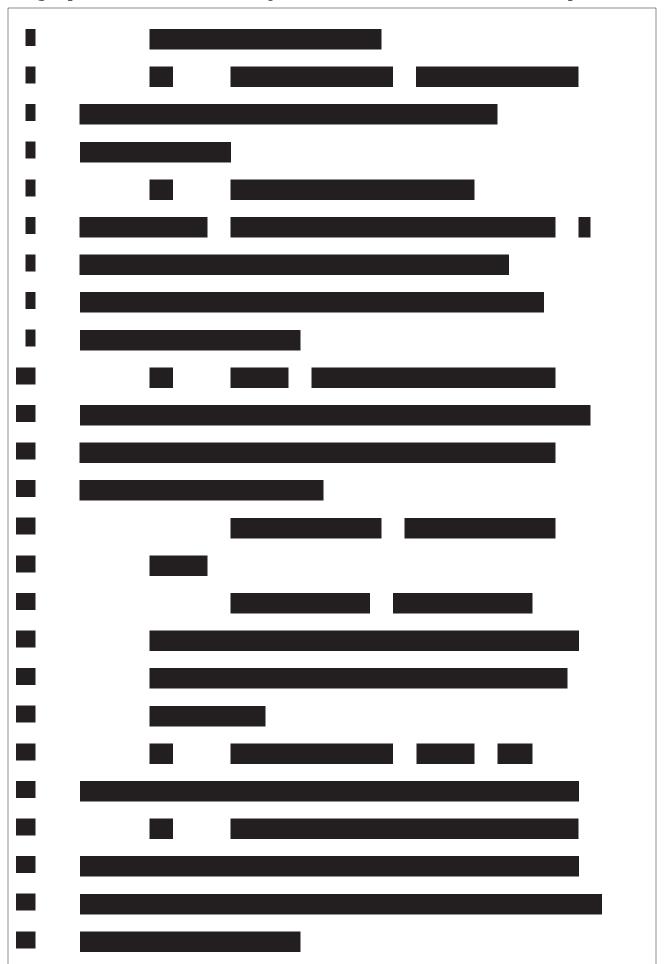


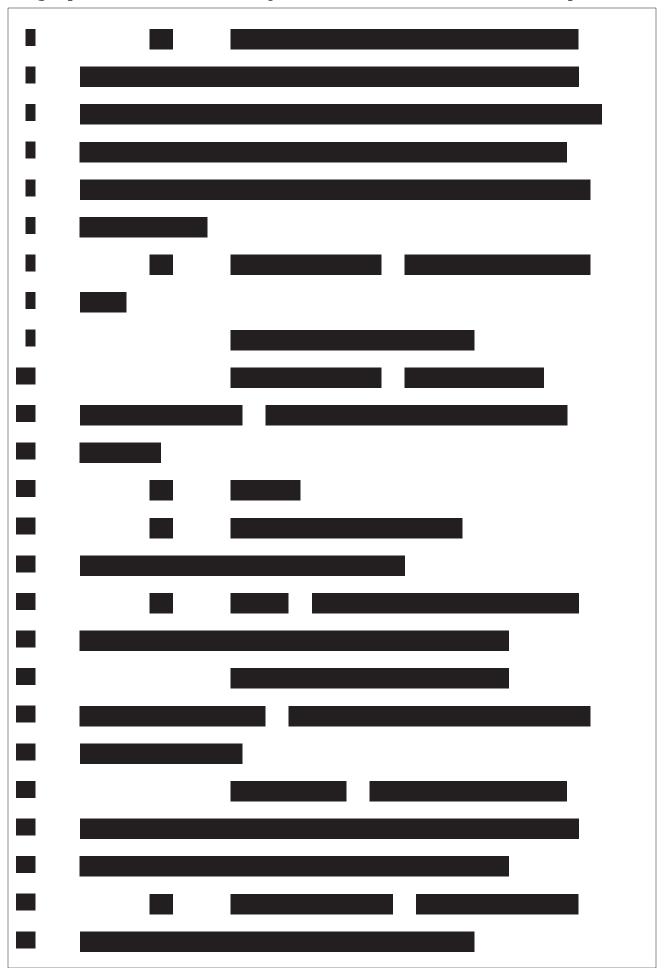


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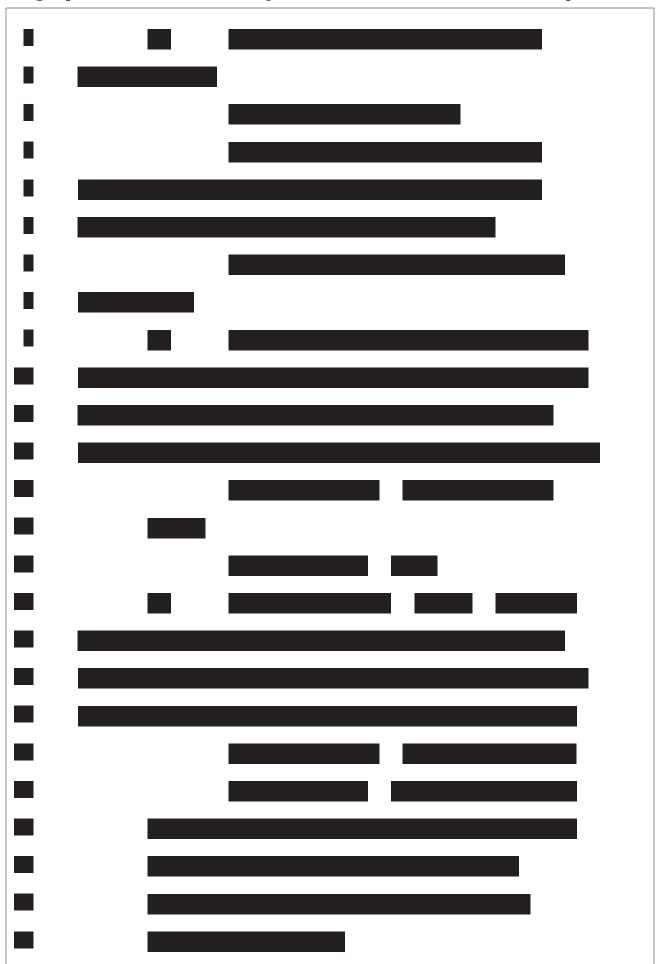


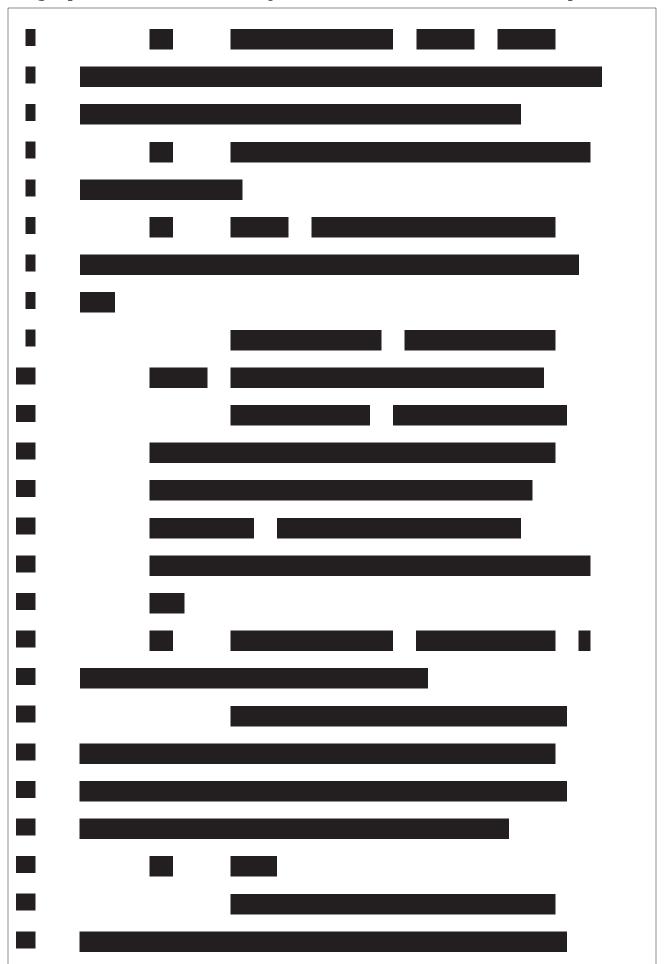




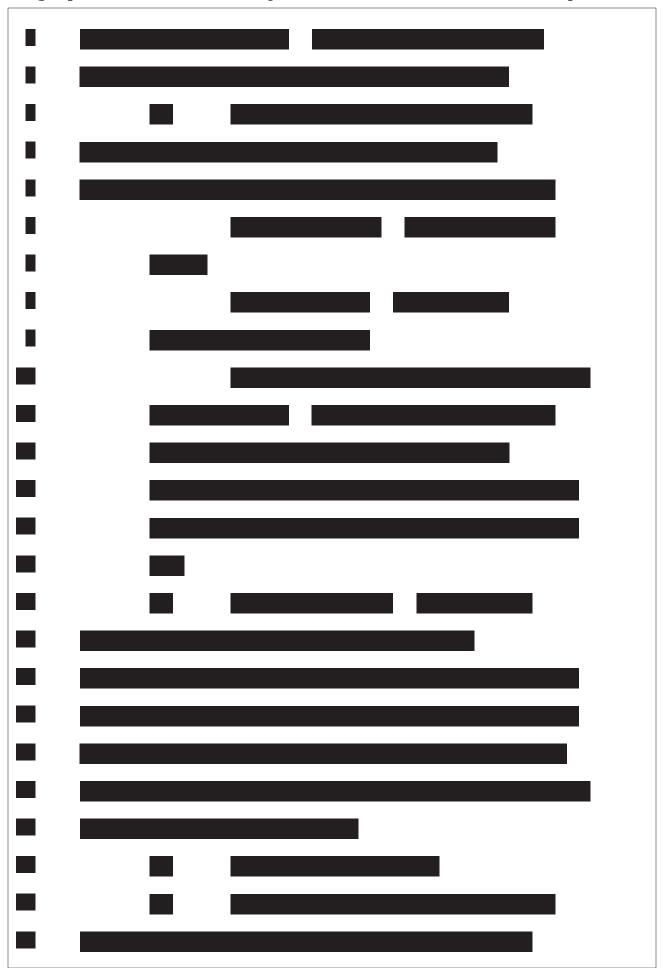


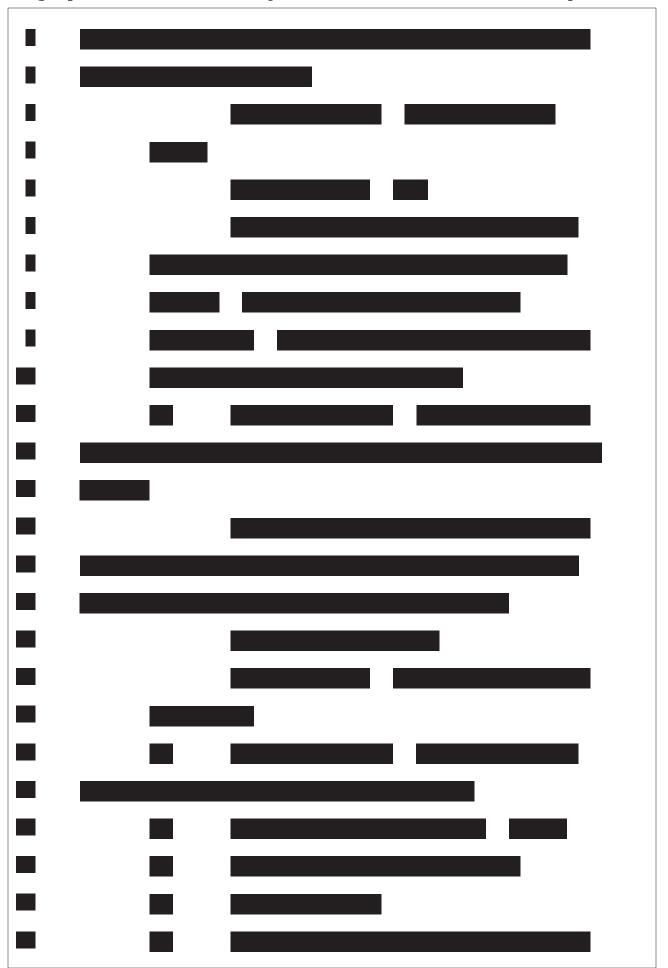
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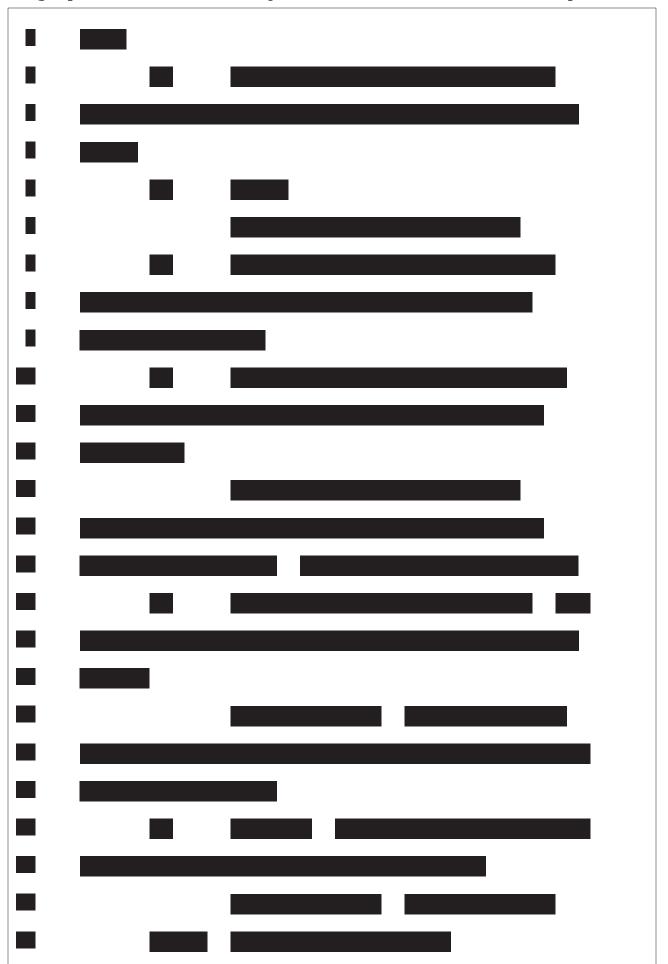


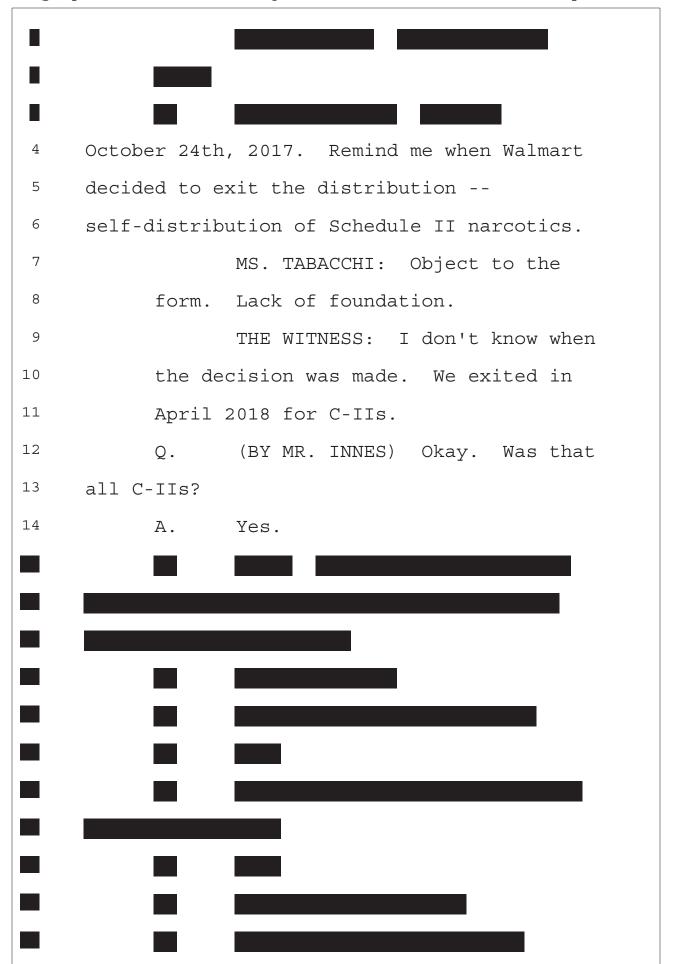


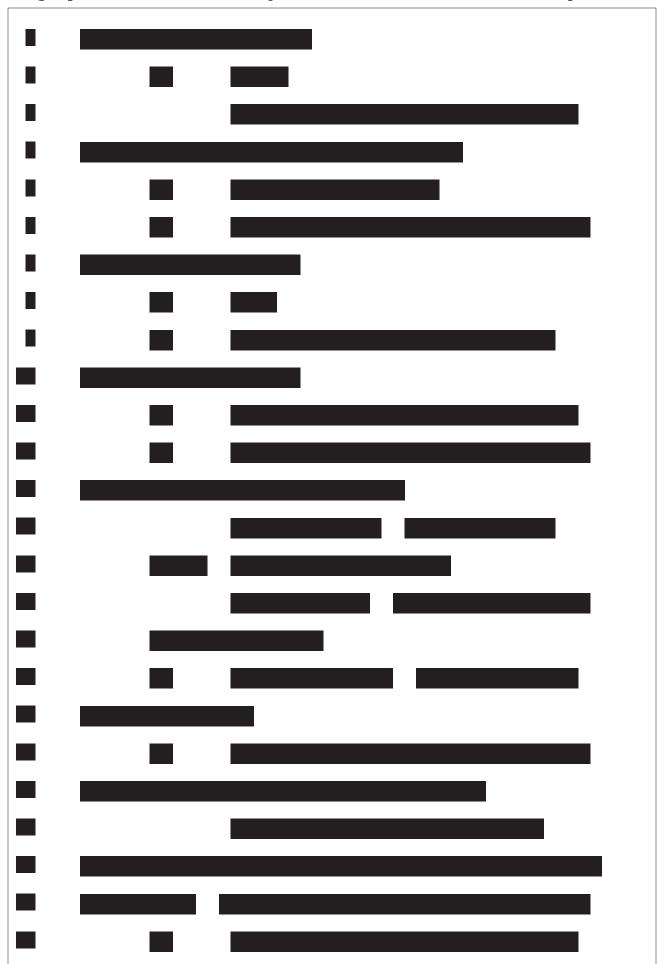
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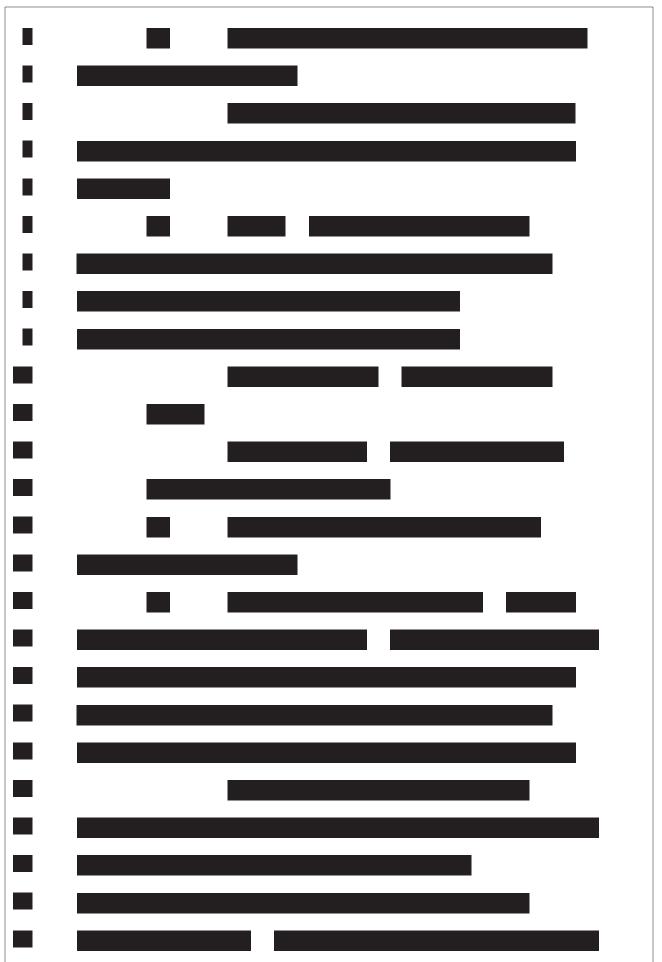


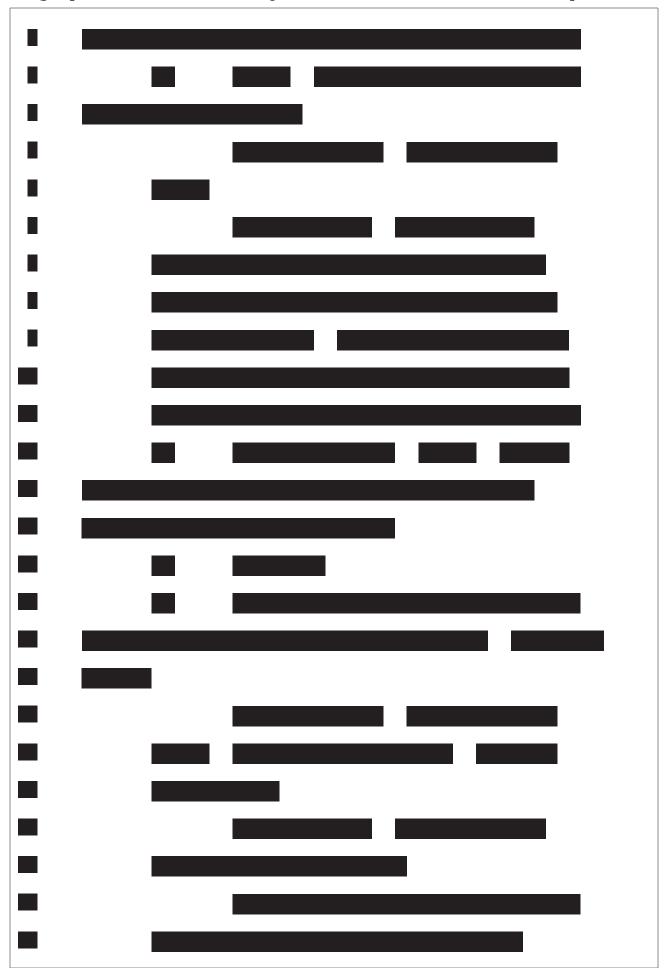




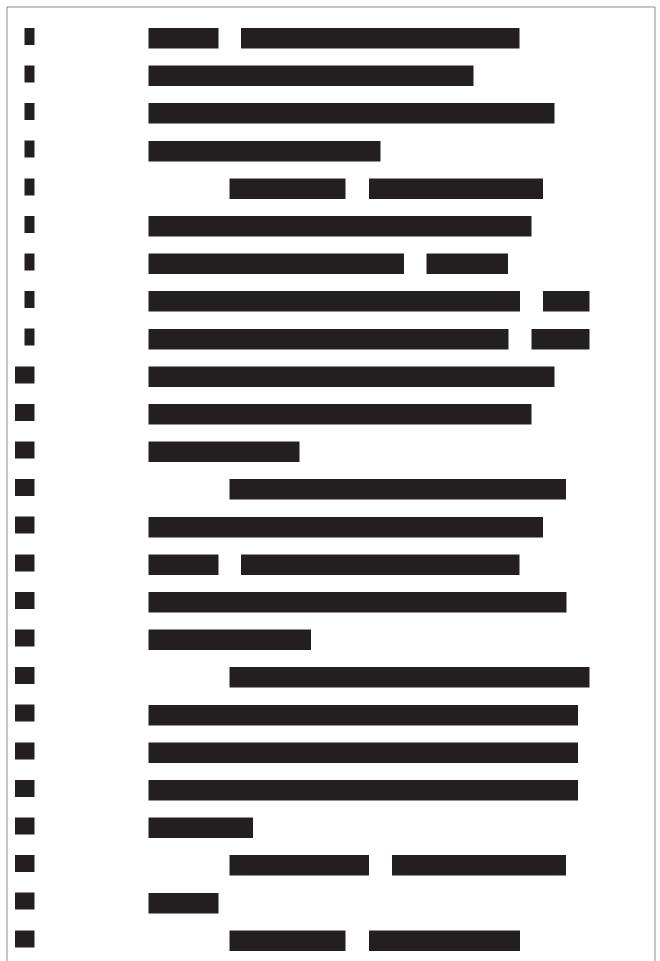


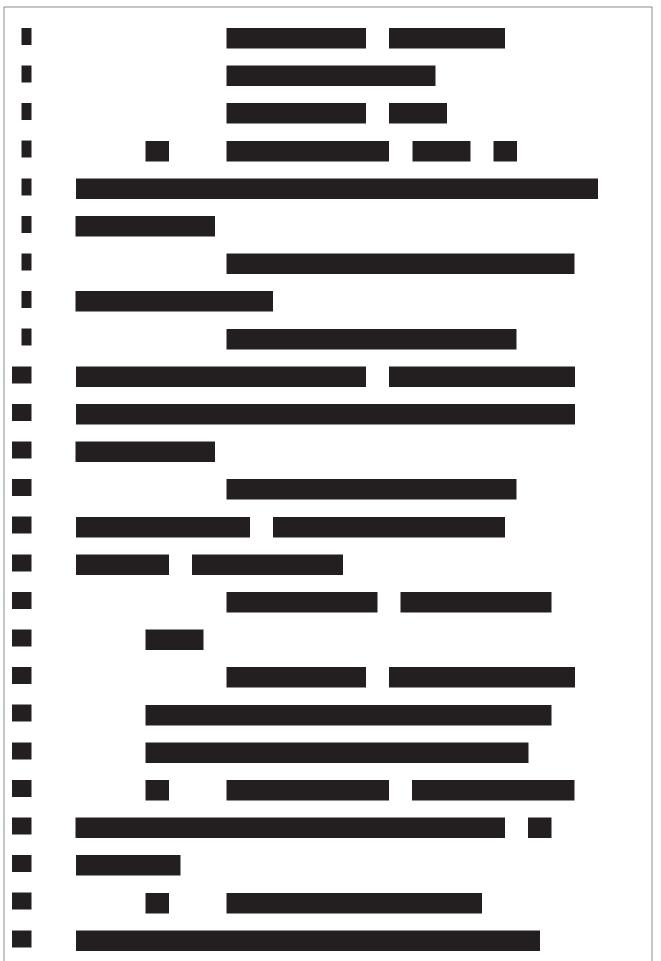
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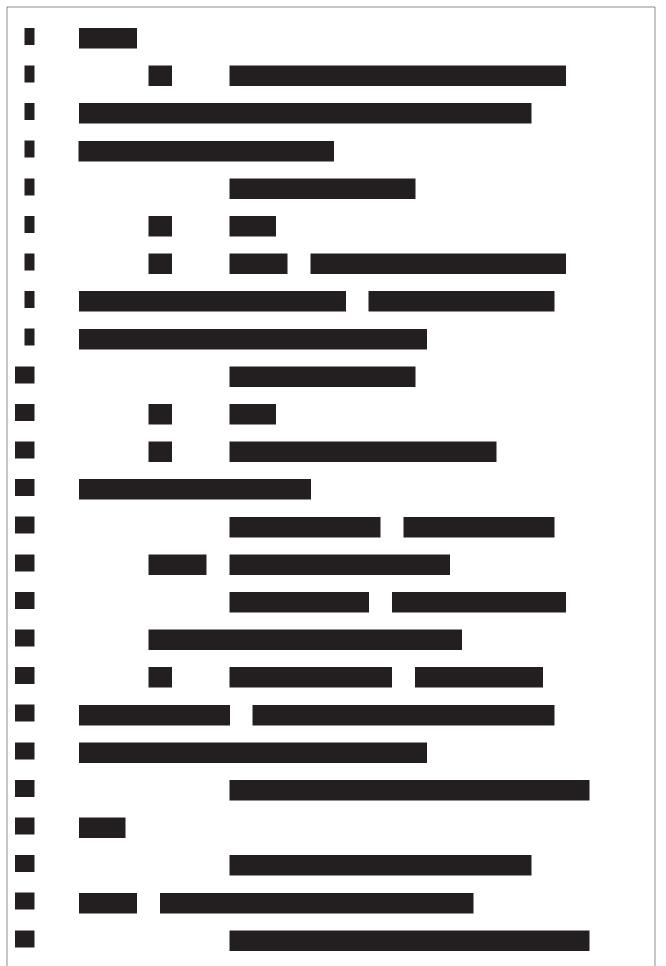


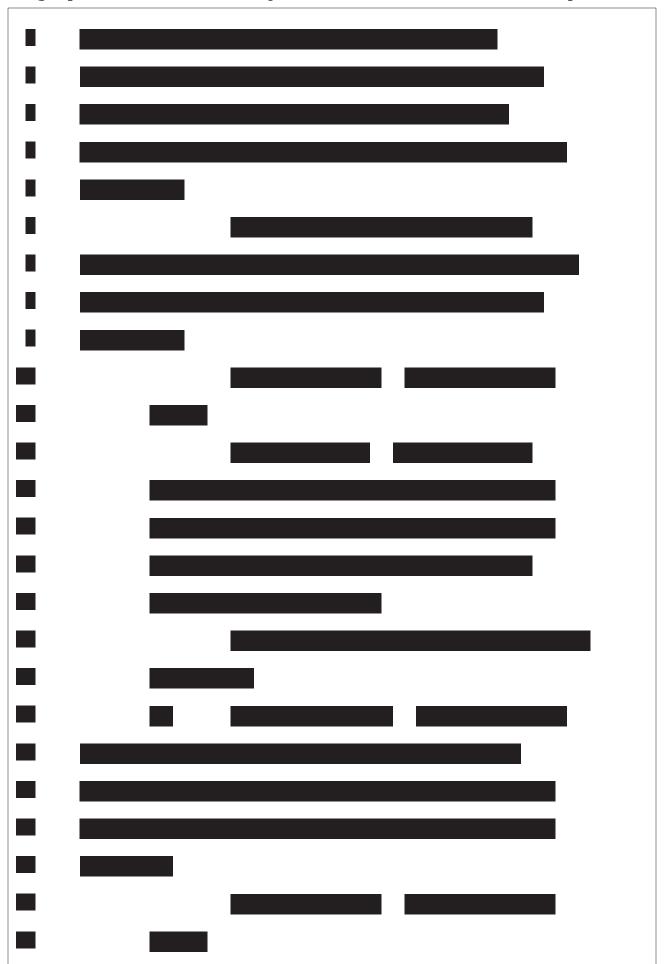


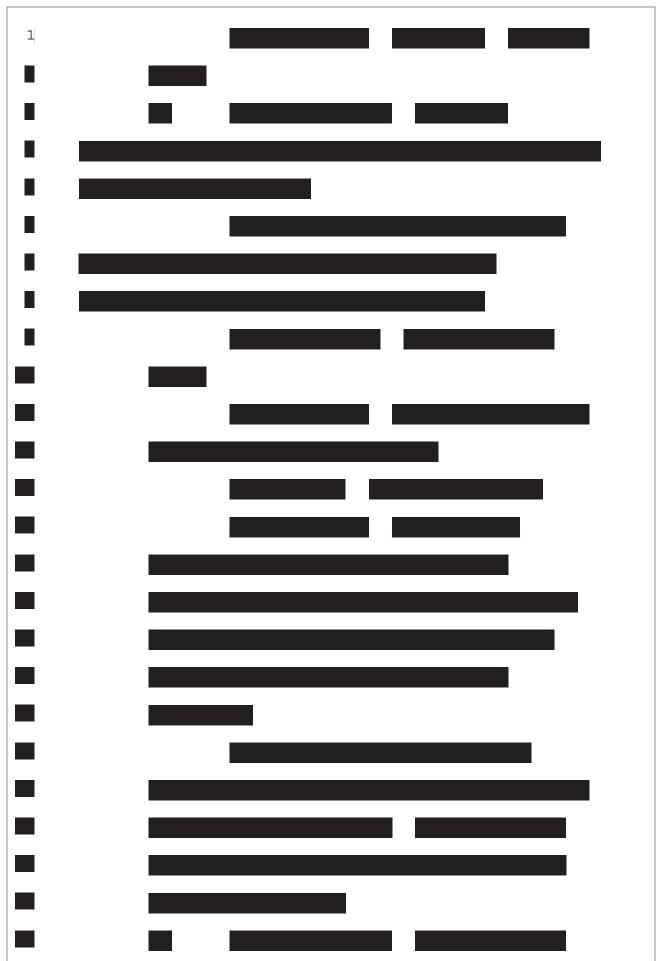
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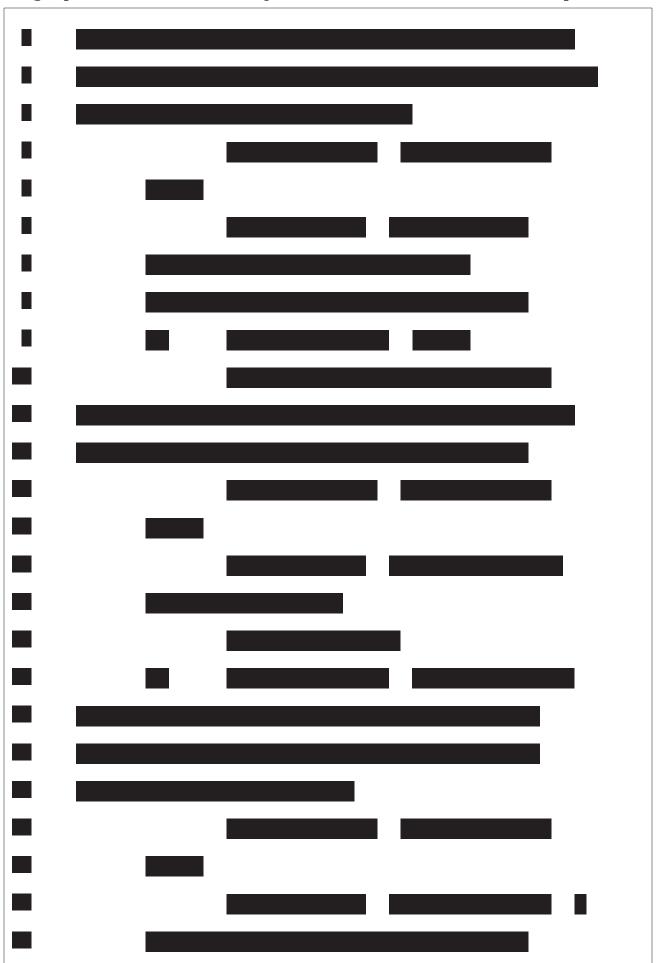


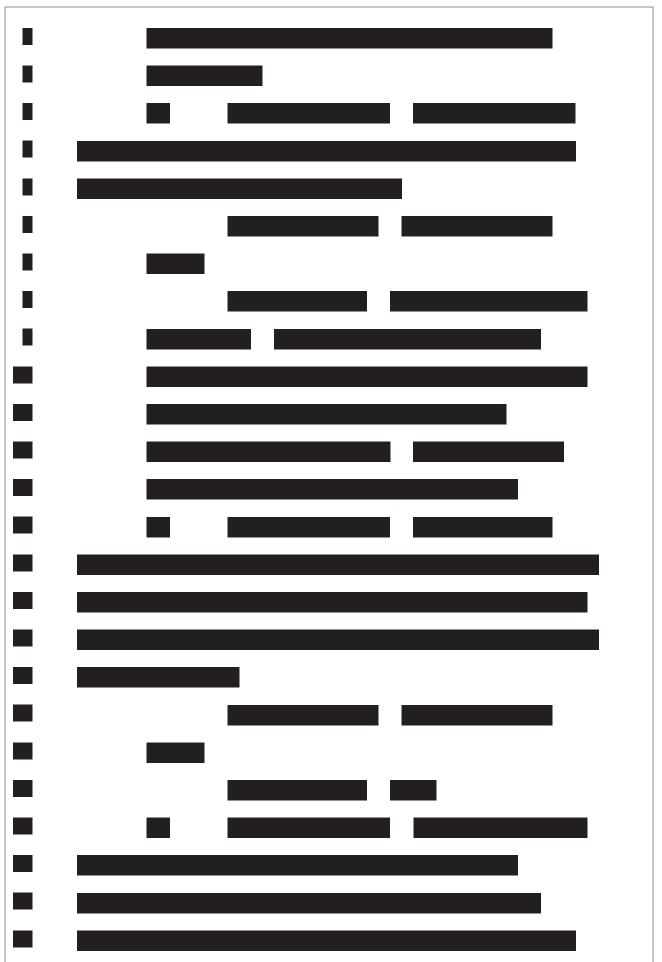


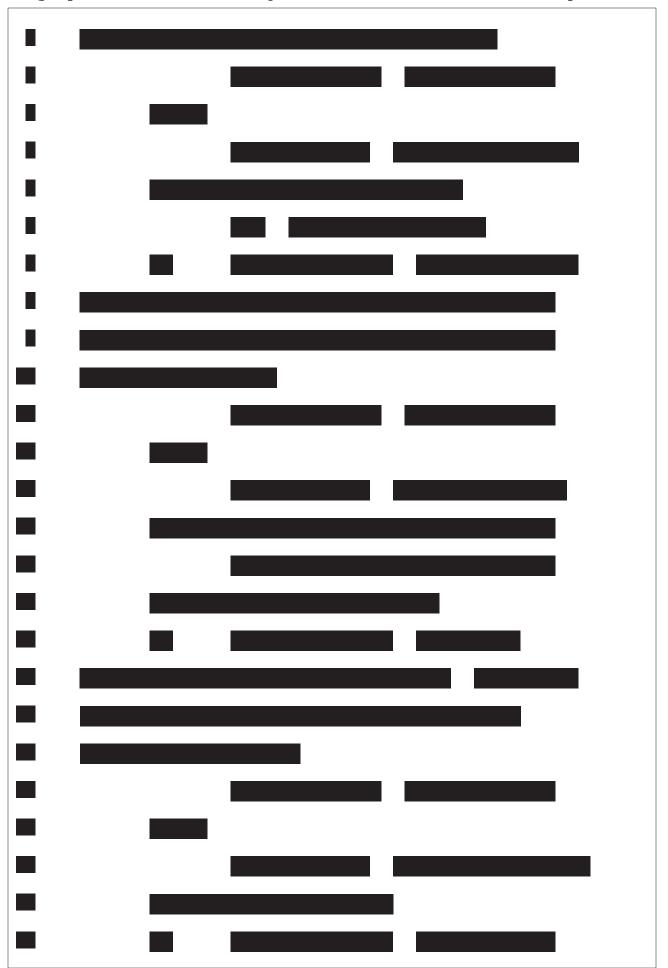


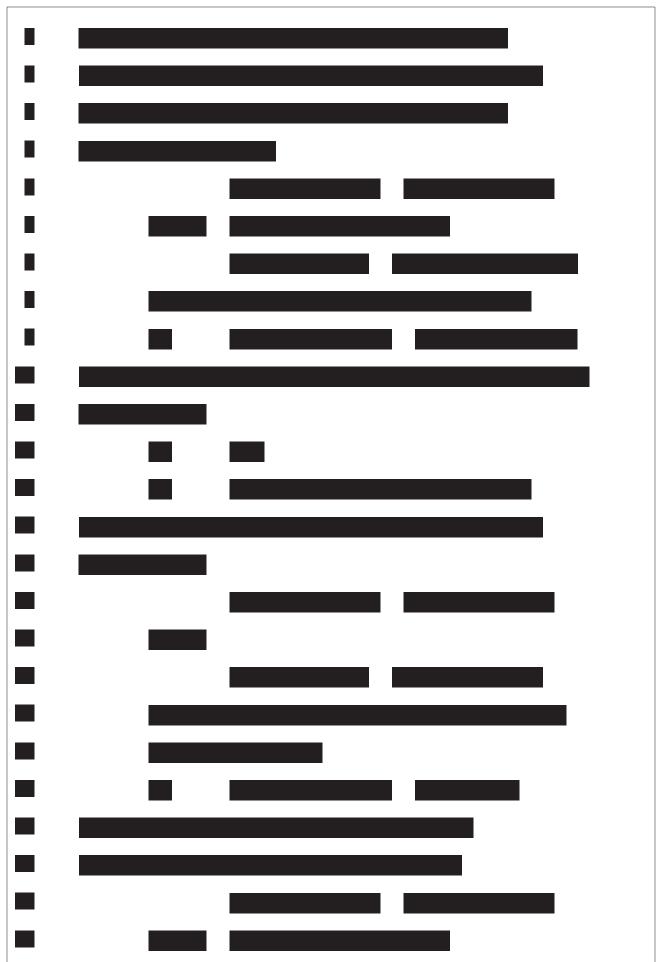


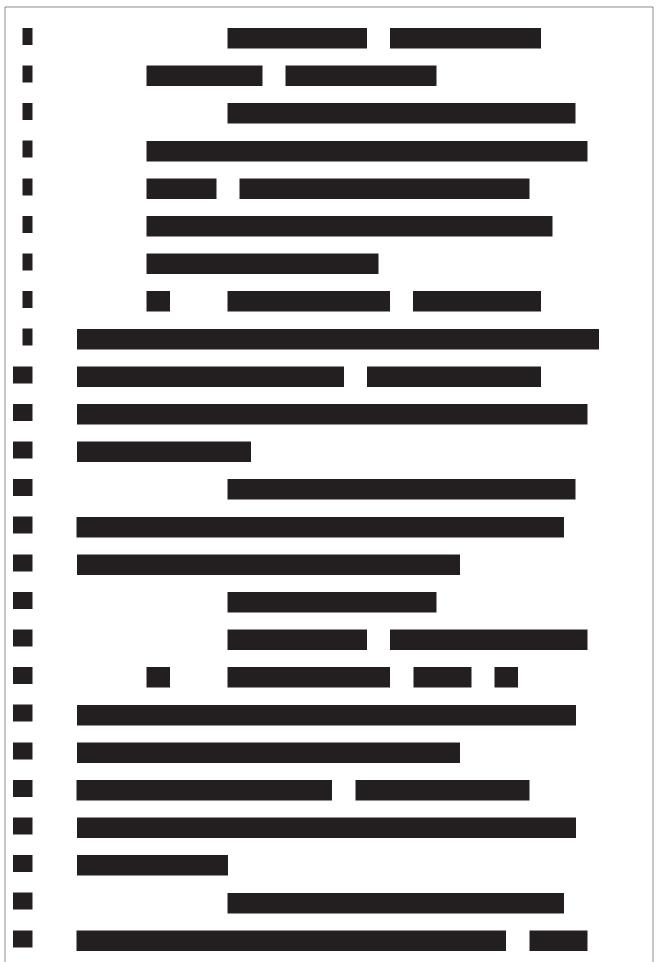


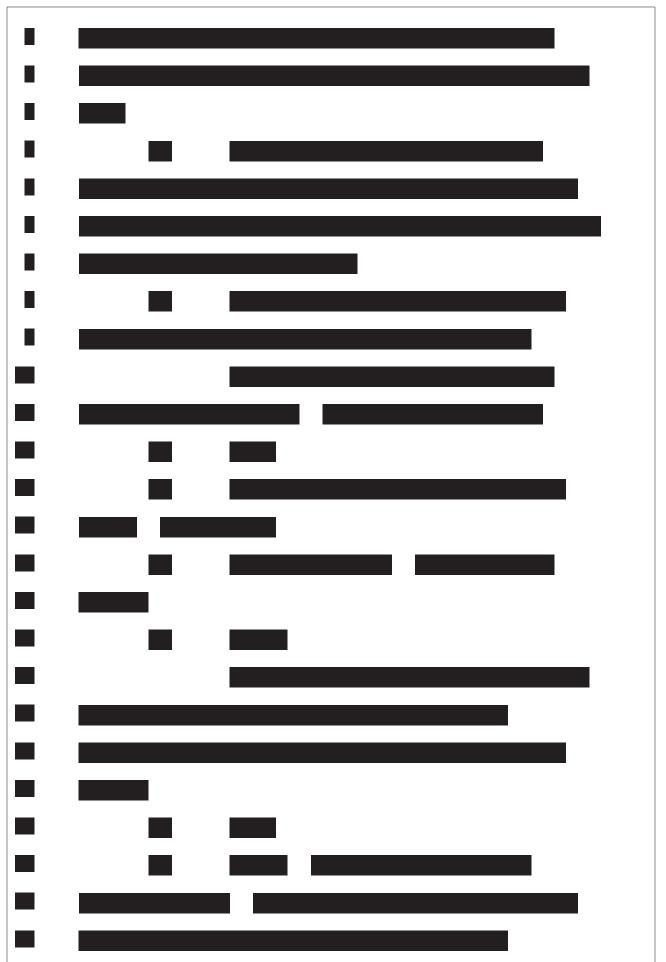


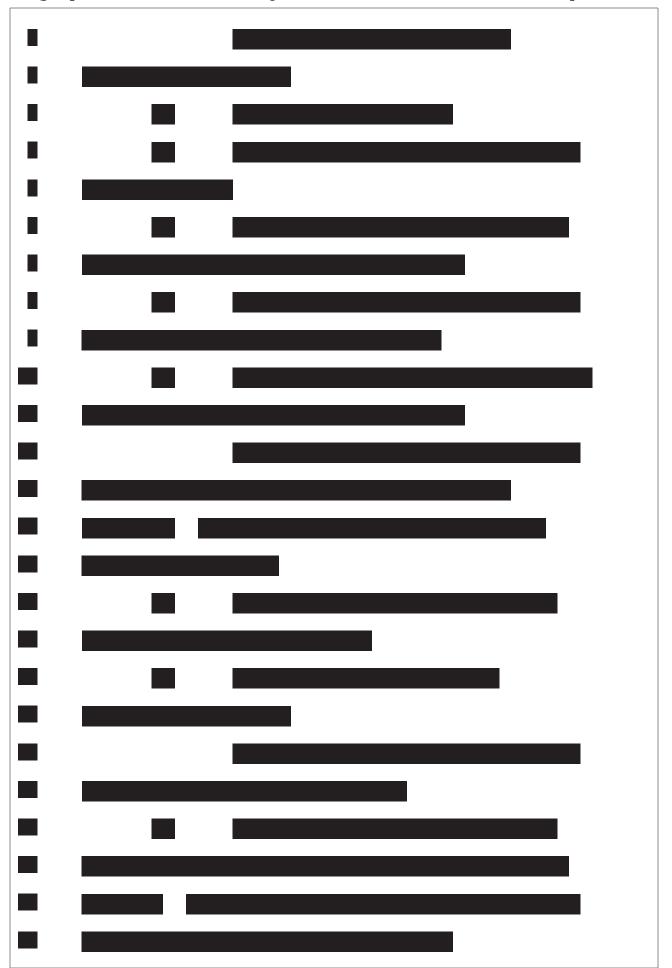


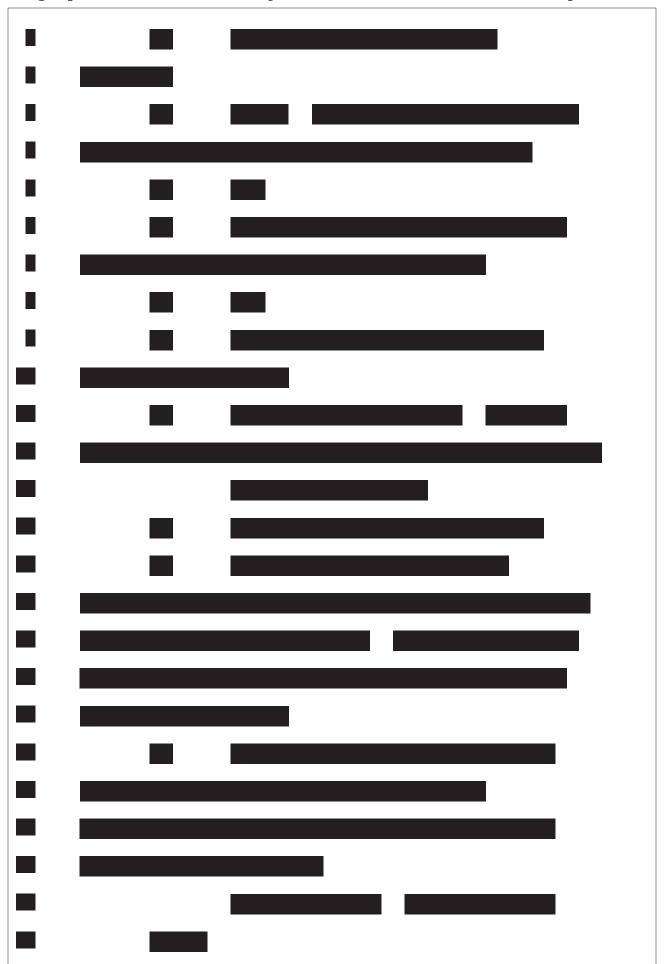


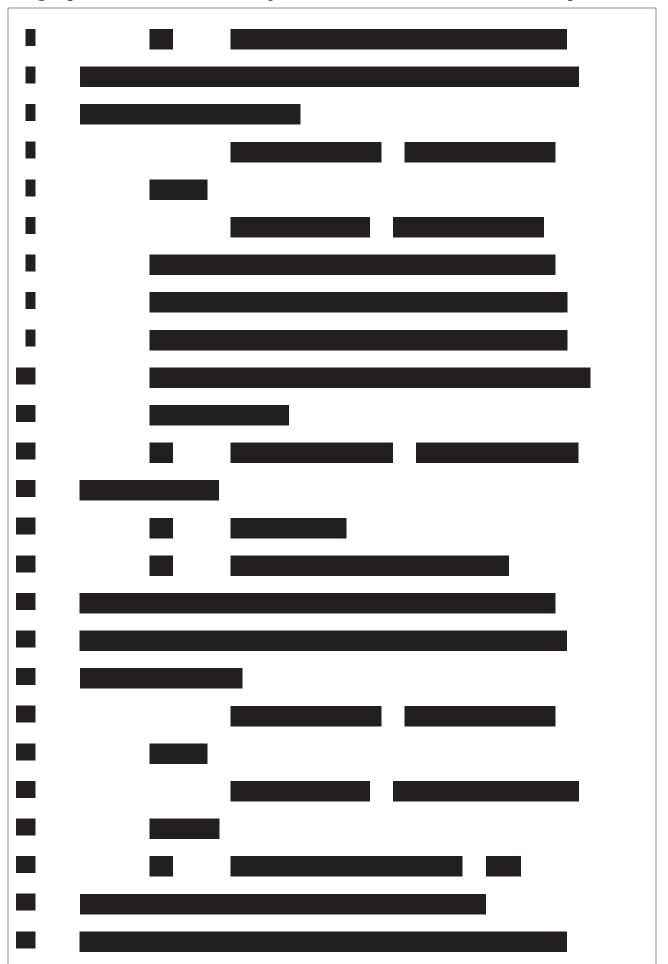


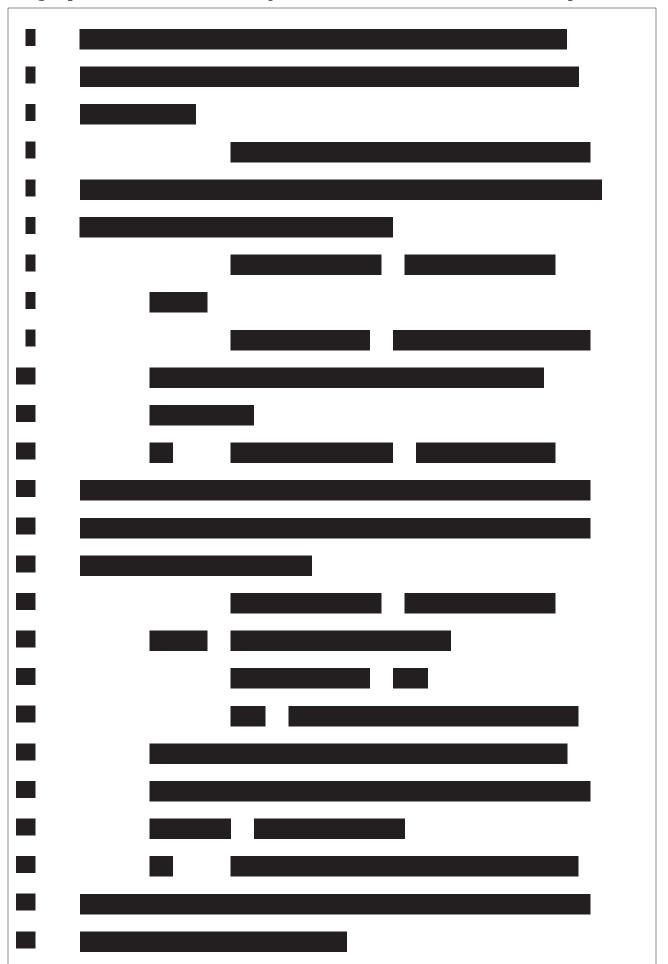


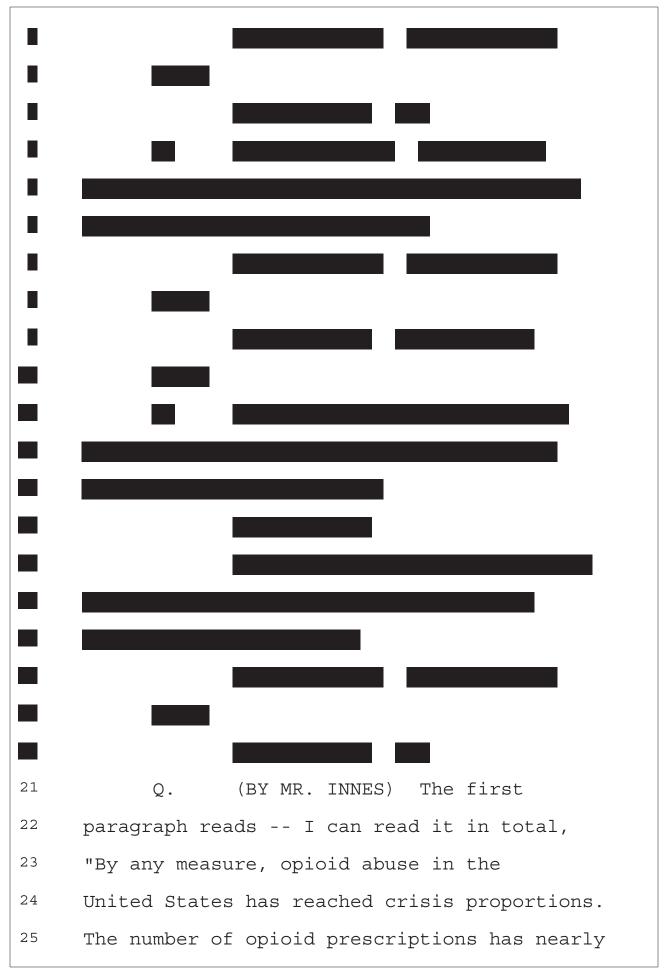




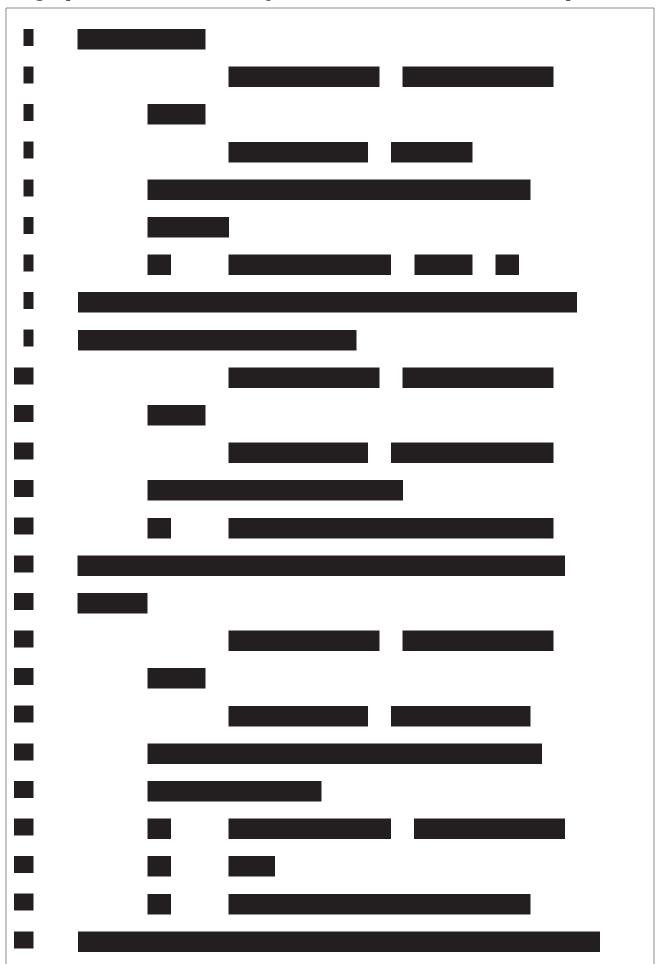


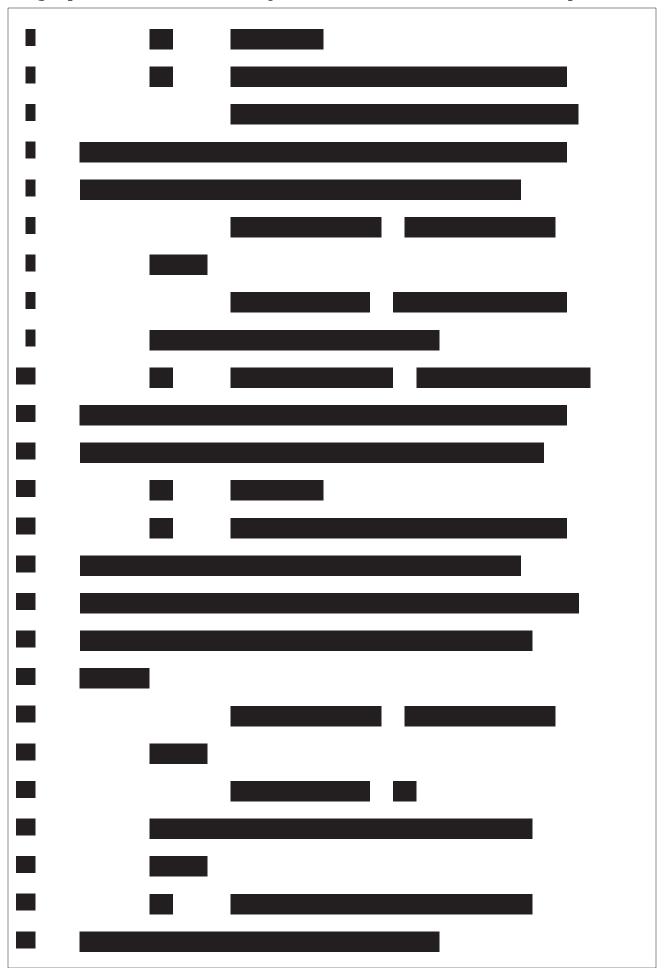


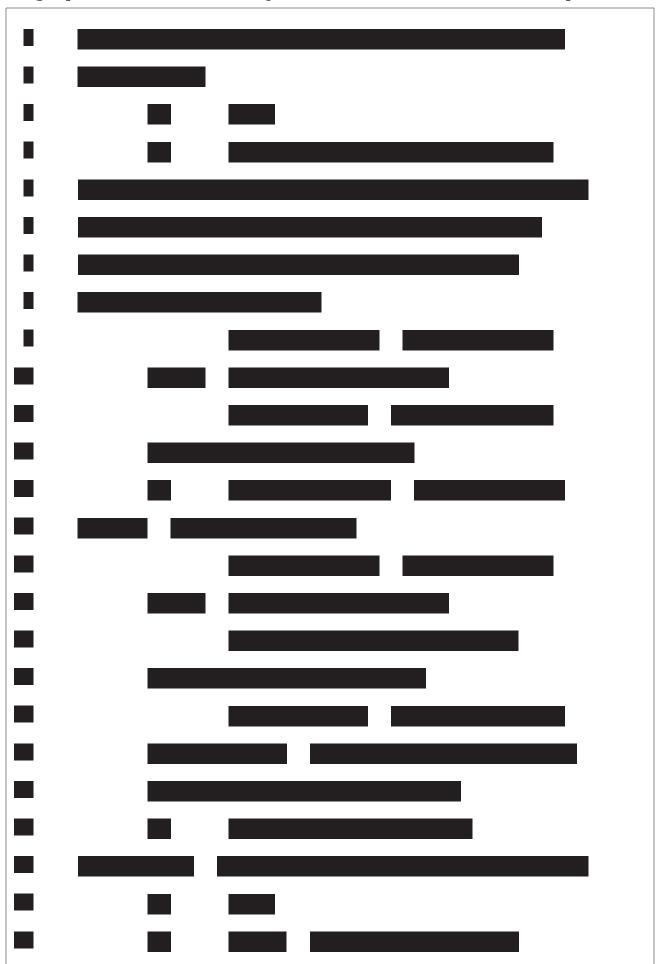


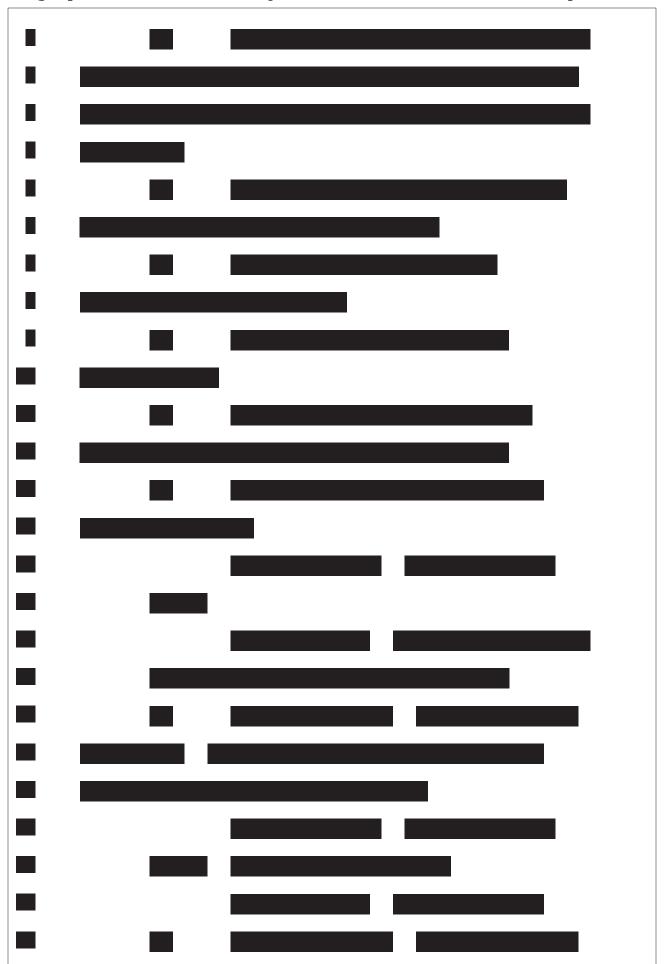


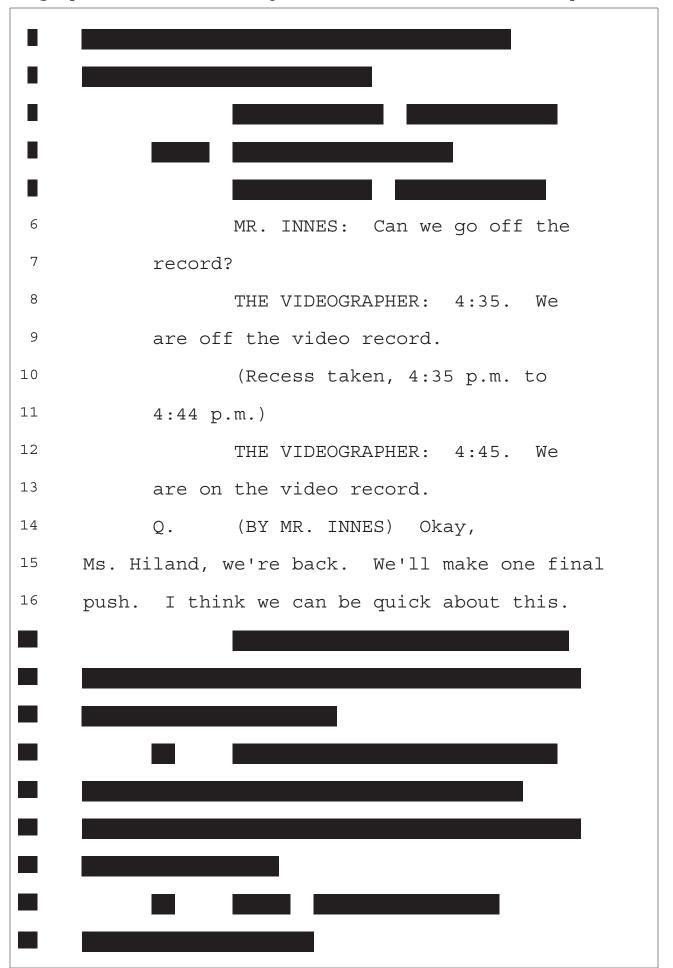
```
1
     tripled from 76 million in 1991 to
2.
     approximately 207 million in 2013.
3
                   "The U.S. accounts for
4
     80 percent of the world's consumption of
5
     opioid painkillers and 99 percent of the
6
     hydrocodone. This remarkable volume is
7
     severely harming consumer health, costing the
8
     country more than $78 billion annually in
     associated costs and taking a tragic toll on
9
10
     countless individuals and society as a
11
     whole."
12
                   Do you agree with the sum and
13
     substance of that paragraph?
14
                   MS. TABACCHI: Object to the
15
            form.
16
                   THE WITNESS: I don't have any
17
            reason to dispute these as being
18
            accurate.
19
            Ο.
                   (BY MR. INNES) Okay.
                                           What's
20
     interesting to me is that this paragraph
21
     discusses opioid prescriptions. It doesn't
22
     discuss opioid distribution, does it?
23
            Α.
                   Not -- no.
```

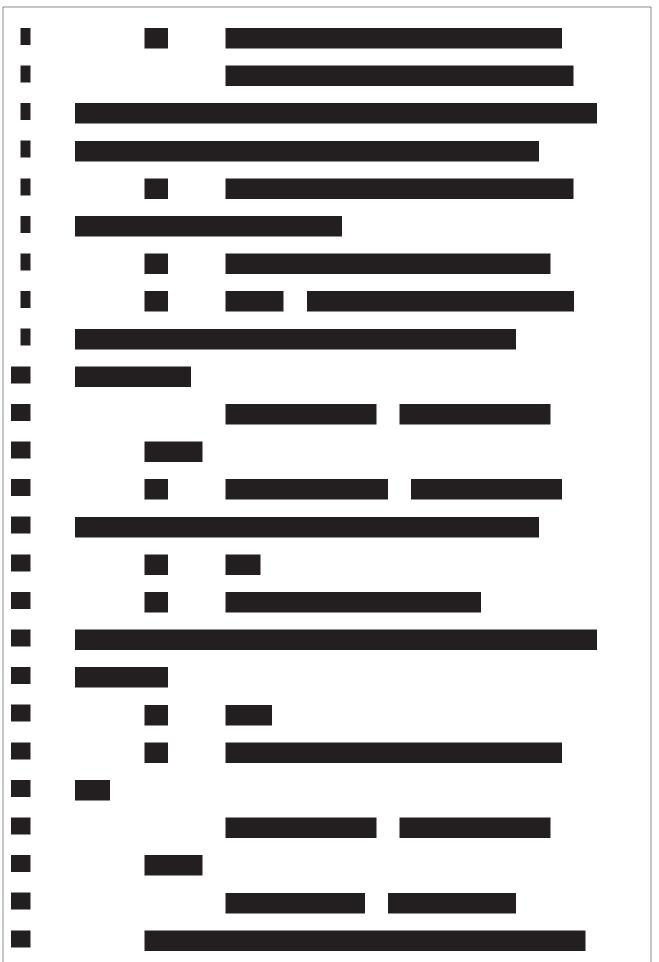


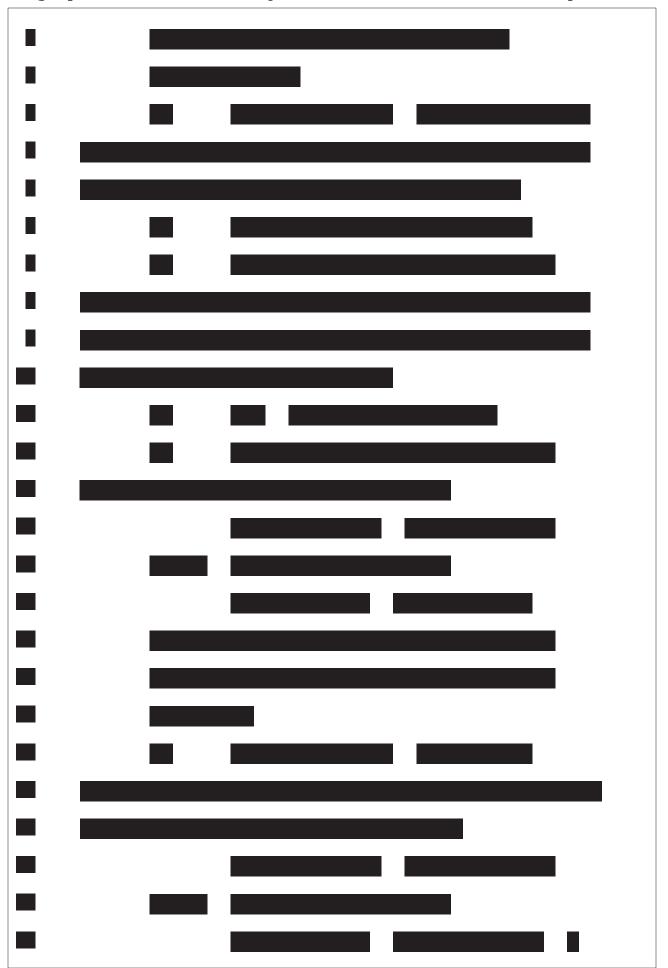












3	MD THURS Observe T because we
	MR. INNES: Okay. I have no
4	further questions.
5	Do you guys have any questions?
6	Anyone here?
7	MS. TABACCHI: We have no
8	questions for the witness.
 15	We would also like to hold it
16	open because we believe there were
17	certain areas of documents and
18	we'll send you a letter on this as
19	well that we don't have production
20	of that are we believe would be
21	relevant and should have been produced
22	and we'd like to question Ms. Hiland
23	on. And we can we can put that in
23	on. And we can we can put that in a letter too as well.

```
1
            disagree as to certain aspects of
            that. But I appreciate your statement
 2.
            for the record, and I think we're
 3
            concluded for today.
 4
 5
                   MR. INNES: Okay.
 6
                   MS. TABACCHI: Thank you.
 7
                   MR. INNES: Thank you.
                   THE VIDEOGRAPHER: 4:48. We
 8
            are off the video record. This
 9
            concludes the video deposition.
10
11
                    (Proceedings recessed at
12
            4:48 p.m.)
13
                          --000--
14
15
16
17
18
19
20
21
22
23
24
25
```

```
1
                       CERTIFICATE
2
                 I, DEBRA A. DIBBLE, Registered
     Diplomate Reporter, Certified Realtime
3
     Reporter, Certified Realtime Captioner,
     Certified Court Reporter and Notary Public,
     do hereby certify that prior to the
4
     commencement of the examination, SUSANNE
     HILAND was duly sworn by me to testify to the
5
     truth, the whole truth and nothing but the
6
     truth.
7
                 I DO FURTHER CERTIFY that the
     foregoing is a verbatim transcript of the
     testimony as taken stenographically by and
8
     before me at the time, place and on the date
     hereinbefore set forth, to the best of my
9
     ability.
10
                 I DO FURTHER CERTIFY that pursuant
     to FRCP Rule 30, signature of the witness was
11
     not requested by the witness or other party
     before the conclusion of the deposition.
12
13
                 I DO FURTHER CERTIFY that I am
     neither a relative nor employee nor attorney
14
     nor counsel of any of the parties to this
     action, and that I am neither a relative nor
     employee of such attorney or counsel, and
15
     that I am not financially interested in the
     action.
16
17
18
19
20
     DEBRA A. DIBBLE, RDR, CRR, CRC
     NCRA Registered Diplomate Reporter
     NCRA Certified Realtime Reporter
21
     Certified Court Reporter
22
23
     Dated: 23 January 2019
24
25
```

```
1
                 INSTRUCTIONS TO WITNESS
 2.
 3
                 Please read your deposition over
 4
     carefully and make any necessary corrections.
 5
     You should state the reason in the
     appropriate space on the errata sheet for any
 6
 7
     corrections that are made.
                 After doing so, please sign the
 8
 9
     errata sheet and date it.
                 You are signing same subject to
10
11
     the changes you have noted on the errata
12
     sheet, which will be attached to your
13
     deposition.
14
                 It is imperative that you return
15
     the original errata sheet to the deposing
16
     attorney within thirty (30) days of receipt
     of the deposition transcript by you. If you
17
18
     fail to do so, the deposition transcript may
19
     be deemed to be accurate and may be used in
20
     court.
21
22
23
24
25
```

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1			ERRATA
2	PAGE	LINE	CHANGE
3			
4		REASON	J:
5			
6		REASON	J:
7			
8		REASON	J:
9			
10		REASON	J:
11			
12		REASON	J:
13			
14		REASON	1:
15			
16		REASON	1:
17			
18		REASON	1:
19			
20		REASON	1:
21			
22		REASON	1:
23			
24		REASON	J:
25			

1	ACKNOWLEDGMENT OF DEPONENT
2	
3	
4	I, SUSANNE HILAND, do hereby
	certify that I have read the foregoing pages
5	and that the same is a correct transcription
	of the answers given by me to the questions
6	therein propounded, except for the
	corrections or changes in form or substance,
7	if any, noted in the attached
	Errata Sheet.
8	
9	
10	
11	
12	
	SUSANNE HILAND DATE
13	
14	
15	Subscribed and sworn to before me this
16	, day of, 20
17	My commission expires:
18	
19	
20	Notary Public
21	
22	
23	
24	
25	

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1			LAWYER'S NOTES
2			
3	PAGE	LINE	
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